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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8033/2024**

KRISHNA PADA MISTRY

..... Petitioner

Through: Ms. Gulshan Jahan and Mr. Murshlin
Ansari, Advocates with Mr.
Sukhranjan Mistry, AR.

versus

UNION OF INDIA

..... Respondent

Through: Ms. Richa Dhawan, SPC for UOI
with Mr. Anuj Chaturvedi, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

30.05.2024

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CM APPL. 33041/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 8033/2024

1. The Petitioner has approached this Court with the following prayers:

“(a) quash the communication(s) Nos. (a) R-5/5/65/P.II/PT/403 dated the 4th February, 1983 (b) No. MZ/PROG/16(13)/83-27448 dated 7/10/85 (c) No. 7/3/88-DNK DESK dated 13th January, 1989 (d) NO. 35/34/2022-R&SO (CF NO. 3605698) dated 13/09/2022 & (e) No.35/34/2022-R&SO (CF No. 3605698) dated 28/10/2022.

(b) issue a Writ of Mandamus / Certiorari / any other writs directing the Respondent to extend the retrospective settlement benefits to the Petitioner at



par in Delhi/NCR.”

2. The facts of the case as narrated in the writ petition reveal that the Petitioner herein came to India after independence from East Pakistan (now Bangladesh) in the year 1964. He was first settled at the Bhansi Camp, Chhattisgarh. It is stated that a Scheme called as Dandakarayna Project was brought out by the Respondent in the year 1966 for providing settlement benefits to the persons who have come to India from East Pakistan. The Petitioner had sought benefit of the said Dandakarayna Project which came in the year 1996.

3. Material on record indicates that way back on 13.01.1989, a communication was received by the Petitioner from Ministry of Home Affairs stating the Petitioner is not eligible for the benefit of Dandakarayna Project. The Petitioner chose not to challenge the said communication. Later, a further communication dated 13.09.2022 was received by the Petitioner stating that no such scheme is available.

4. This Court is of the opinion that the, reliefs as prayed for, by the Petitioner by challenging the Communications dated 04.02.1983, 07.10.1985, 13.01.1989 and more particularly the Communication dated 13.01.1989 wherein it was held that Petitioner is not eligible for the scheme as the application of the Petitioner is barred by laches. No reason has been given as to why the Petitioner has not approached the Court for the relief in the last 34 years.

5. In any event, since no such scheme is available as of now, this Court is of the opinion that a writ cannot be issued in favour of the Petitioner directing the Respondent to grant benefit of the scheme to the Petitioner which does not exists.



6. With these observations, the writ petition is dismissed, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 30, 2024

S. Zakir