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

+ **W.P.(C) 9460/2024**

TARIQ HASAN SIDDIQUI AND ANRPetitioners

Through: **Mr. R.K.Bali and Ms. Meghna
Bali, Advocates.**

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: **Mr. Ashim Vachher, SC for
DDA with Mr. Kunal Lakra,
Mr. Vinayak Uniyal and Ms.
Saiba M. Rajpal, Advocates.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **12.07.2024**

CM APPL. 38813/2024

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioners are invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking issuance of an appropriate writ, order or directions to the respondent to allot the petitioners an LIG Flat other than Flat No. 12, Block-E9, Pocket-3, Sector-G8, Narela, Delhi-110 040.
4. Learned counsel for the respondent/Delhi Development Authority [**'DDA'**] is present on advance notice.
5. Learned counsel for the petitioners has urged that the petitioners had applied for allotment of a flat under the Low/Middle Income Group under the Housing Scheme known as 'DDA Aawasiya Yojana-2017' and in a draw of lots that was conducted on 30.11.2017, they were allotted the aforementioned flat.
6. Evidently, the Demand Letter was issued by the DDA on



27.02.2018 and payment was made upto 01.09.2018, subsequent to which possession of the flat was delivered to the petitioners.

7. It is the case of the petitioners that when they visited the site for physical verification of the allotted flat in December 2019, they were shocked to see that an inferior quality material was used in construction of the building, and found that the house was falling in the EWS category at the Prefab stage itself in terms of recommendations of 303 Screening Committee of the DDA, which was not in conformity with the brochure of the housing scheme issued by the DDA.

8. The petitioners, therefore, claim that they may be allotted a flat other than Flat No.12, as described above.

9. It is pointed out by the learned counsel for the DDA that neither any representation nor any legal notice has been preferred by the petitioners since December 2019, bringing to their notice the use of inferior quality of the material in the construction of the building. Admittedly, they had preferred allotment of flat falling in G8, Unit Plan Area, which parameter stands satisfied.

10. Even considering that the petitioners were perhaps unable to pursue their remedy in the years 2020 and 2021 due to the COVID-19 Pandemic situation in the country, there is no explanation on their part as to why they were sitting over their legal rights thereafter.

11. Hence, the present petition is dismissed on the grounds of incomplete foundation and laches.

DHARMESH SHARMA, J.

JULY 12, 2024

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