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

% **Date of decision: 5<sup>th</sup> July, 2024**

+ W.P.(C) 15035/2023

SHASHI BALA GUPTA

.....Petitioner

Through: Mr. Ravindra Narayan, Adv.

versus

DELHI DEVELOPMENT AUTHORITY .....Respondent

Through: Ms. Mrinalini Sen, Standing  
Counsel with Ms. Pooja Kapur  
& Ms. Aditi Saxena, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**DHARMESH SHARMA, J. (ORAL)**

1. This hearing is being conducted through hybrid mode.
2. The petitioner is invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, for issuance of an appropriate writ/direction to the respondent for allotment of an alternate flat on account of re-selling/re-allotment of Flat No. 592, Pocket-A, Sector-13, Dwarka, New Delhi, which was initially allotted to her deceased husband.
3. Learned counsel for the respondent/Delhi Development Authority<sup>1</sup> is present on advance notice through video conferencing.
4. Having heard the learned counsel for the petitioner and on perusal of the record, it is brought out that the deceased husband of the

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<sup>1</sup> DDA



petitioner was allotted an MIG Flat in terms of Certificate Registration granted to him dated 18.06.1980 and he deposited a sum of Rs. 20,000/- on 02.09.1999 pursuant to the demand raised by the DDA. It is the case of the petitioner that her husband made several representations to the DDA that the property in question was not habitable as there was no infrastructure so as to provide supply of electricity and water, which representations fell on deaf ears.

5. It is submitted that the husband of the petitioner died on 24.03.2010 and thereafter on 16.07.2015, she filed an application under the Right to Information<sup>2</sup> so as to seek certain information regarding the allotted plot upon which she came to know *vide* letter dated 12.02.2016 by the DDA that since her husband had not completed necessary modalities in terms of letters written by the DDA, as also for non-payment of remaining dues, the allotment had been cancelled and the flat had been re-allotted to someone else.

6. Learned counsel for the respondent has referred to the letters written by the DDA to the deceased husband of the petitioner. She has alluded to the letter dated 12.02.2016 addressed to the petitioner by the DDA, which brings out that the scheme under which the flat was allotted to the deceased husband of the petitioner had been cancelled after due notice and publication. She has further referred to an earlier letter dated 27.09.2000 placed by the petitioner on the record, to the effect that a representation of the original allottee dated 03.08.2000 was considered, whereby he had requested to make a deposit of 50% of the amount demanded instead of 70% upon which he was directed

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<sup>2</sup> RTI



to meet the concerned Director (MIG)H, North-East, and complete all the necessary formalities. In this regard, it is urged that no further compliance was done by the deceased/allottee.

7. Having heard the learned counsels for the parties present, unhesitatingly, this Court finds that the present writ petition is highly belated and the petitioner is guilty of laches and delay. As per her own admission, after five years the death of her husband, she submitted an RTI application, to which she was given reply on 12.02.2016. She has not assigned any reasons as to why, after receiving a reply to her RTI application, she sat over the matter and did not pursue her legal remedies at the earliest. Evidently, the original allottee did not comply with the necessary formalities and after sufficient notice and publicity, the scheme had been cancelled.

8. Hence, the present petition is dismissed on account of inordinate delay and laches in approaching this Court.

9. The present petition is disposed of.

**DHARMESH SHARMA, J.**

**JULY 05, 2024**

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