



2024:DHC:6444-DB



\$~1

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

+ LPA 750/2024, CM APPL. 44727/2024, CM APPL. 44728/2024, CM APPL. 44729/2024

MD. SHAMIM

.....Appellant

Through: Ms. Surabhi Sanchita and Mr. Pratap Singh, Advocates

versus

DELHI DEVELOPMENT AUTHORITY (DDA) & ORS

.....Respondents

Through: Mr. Bir Inder Gurm, Advocate for Ms. Prabhsahay Kaur, Standing Counsel for DDA.

Mr. Parvinder Chauhan and Ms. Aakriti Garg, Advocates for DUSIB.
Mr. Karn Bhardwaj, ASC (GNCTD) with Mr. Shubham Singh, Mr. Rajat Gaba and Mr. Saurabh Dahiya, Advocates for R-3.

%

Date of Decision: 23rd August, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed challenging the impugned order dated 22nd May, 2024 passed by the learned Single Judge in W.P.(C) 3659/2023,

Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 27.08.2024
11:51:39

LPA 750/2024

Page 1 of 3



whereby the writ petition filed by the appellant seeking allotment of an alternative piece of land with consequential benefits in lieu of demolished plot at Block A-70, Jhuggi No.770, Kanchan Puri, Rajghat Power House, New Delhi-11002 and against advance payment of license fee, was dismissed on the ground of laches of seventeen years.

2. Learned counsel for the appellant states that learned Single Judge incorrectly relied upon cases where delay and laches in filing of writ petition was *qua* inter-party dispute and not *qua* the state inaction in providing relief for which the appellant became entitled by virtue of letter dated 15th April, 2006. He further states that there was delay on the part of respondent No. 1/DDA in allotting alternative plot to the appellant to which he became entitled way back in the year 2006, after making payment of license fee of Rs. 14,000/- in compliance with the letter dated 15th April, 2006, which was duly acknowledged by them. He states that there was absolute dereliction of duty on the part of the respondents, who brushed aside the appellant's claim by simply stating that the original records were not traceable. He states that the appellant cannot be denied relief for the respondents' inaction and dereliction of duties.

3. A perusal of the paper book reveals that the appellant has failed to give reasons for inaction between the years 2006-2015. It was only in January, 2015 that the appellant suddenly woke up and chose to file an RTI dated 5th February, 2015. The allotment-cum-demand letter issued by the respondent No.1/DDA dated 15th April, 2006 merely conferred a limited right upon the appellant to get temporary allotment of an alternate plot at a demarcated site on a license basis for a period of five years only. There is an inordinate delay in approaching the Court and even the licence period for



2024:DHC:6444-DB



which the allotment was to take place had expired prior to filing of the writ petition.

4. Though no period of limitation has been prescribed for filing a writ petition under Article 226 of the Constitution of India, yet three years has been taken to be a reasonable time period for filing a writ petition. It is settled law that if the delay is more than the period of limitation prescribed for a civil action, it would be proper for the Court to hold that there has been unreasonable delay in approaching the Court. It is further settled law that repeated representations by the petitioner would not extend the period to file a writ petition.

5. Consequently, the writ petition filed after seventeen years is barred by laches and the impugned order calls for no interference. Accordingly, the present appeal is dismissed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 23, 2024

Aj