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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 1183/2024, CM APPL. 71033/2024 & CM APPL. 29467/2025
LAXMI NARAIN TYAGI (DECEASED THROUGH LRS)

.....Appellant

Through: Mr. Rajshekhar Rao, Senior
Advocate with Mr. Dilip Singh, Mr.
Arnav Mehta, Mr. R. Karthik and
Ms. Tisha Saraogi, Advocates.

versus

DELHI DEVELOPMENT AUTHORITYRespondent
Through: Mr. Shashi Pratap Singh, Advocate
for DDA.

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Date of Decision: 28.07.2025

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G E M E N T

TUSHAR RAO GEDELA, J: (ORAL)

1. Present Letters Patent Appeal has been filed by the appellant challenging the order dated 03.10.2024 passed by this Court in W.P.(C) 1840/2018 titled "*Laxmi Narain Tyagi (deceased through legal heirs) vs. Delhi Development Authority*", wherein the learned Single Judge has dismissed the writ petition by holding that the appellant had no vested legal right to be allotted alternative plots on acquisition of his land by the government, as he had been paid compensation and the scheme for allotment of alternative plot was based on fulfilment of certain terms and conditions which were not met by the appellant.



2. It is the case of the appellant that in 1961, the Delhi Development Authority (hereinafter referred to as “DDA”) notified the Large Scale Acquisition, Development and Disposal of Land in Delhi Scheme (hereinafter referred to as “1961 Scheme”). Under the said scheme, (i) persons, whose lands were acquired, were entitled to be provided alternative plots (ii) each such person would be offered three chances for allotment of an alternative plot, if the acquisition had taken place prior to 3rd April, 1986 and (iii) where the acquired land was over 10 Bighas in area, the owner of the land was entitled to be allotted a plot admeasuring 400 sq. yards.

3. It is the case of the appellant that the appellant’s agricultural land in Village Bodella was acquired by the government in the year 1968 and compensation was paid. In 1975, the appellant applied to the Land & Building Department (hereinafter referred to as “L&B Department”), GNCTD, for recommending allotment of an alternative plot from Delhi Development Authority (hereinafter referred to as “DDA”) under the government policy. In 1978, the respondent/DDA offered a plot in Vikaspuri, which the appellant was unable to purchase at the time due to financial constraints. It is the case of the appellant that he applied for its cancellation with the request that he may be offered an alternative plot later on, however, his name was not placed in the waiting list. His grievance is that despite repeated representations from 1982 onwards, no further allotment was made.

4. Subsequently, the appellant alleged that similarly placed persons received alternate plots, while his case remained ignored, culminating in a policy resolution dated 24.08.2004 reducing the number of allotment



chances to two. The appellant later learnt that his file had been lost, and despite various correspondences, including an office note dated 19.05.2017 suggesting a fresh draw of lots, no action was taken. It is the further case of the appellant that in February, 2018, a public notice by the respondent/DDA excluded his name from the list of those eligible for alternate plots. Eventually, the underlying writ petition was filed, and notice was issued on 26.02.2018 to the respondent/DDA.

5. *Vide* the impugned order dated 03.10.2024, the learned Single Judge has dismissed the writ petition on the ground that the appellant had no vested legal right to be allotted alternative plots on acquisition of his land by the government, as he had been paid compensation and the scheme for allotment of alternative plot was based on fulfilment of certain terms and conditions which were not met by the appellant.

6. Mr. Rajshekhar Rao, learned senior counsel appearing for the appellant submits that though the respondent/DDA under the original policy had stated that the persons under the 1961 scheme would be offered three chances for allotment of an alternative plot if the acquisition had taken place prior to 03.04.1981, subsequently in the year 2004 had reduced such offer to only two times.

7. Alluding to the letter dated 30.03.1978 written by the appellant to the respondent/DDA, learned senior counsel submits that by virtue of the said letter the appellant had clearly indicated that he was not in a financial position to pay for the plot and had intimated that as and when his financial situation improves, he would request for an alternate allotment. He states that by letter dated 23.05.1978, the respondent/DDA communicated to the appellant that his letter has been accepted unequivocally. He emphasizes



that while accepting the letter, though the respondent/DDA had conveyed that it was recalling the allotment, however, did not convey that it was cancelling the same.

8. While referring to the letter dated 05.07.1982 written by the appellant to the respondent/DDA, he submits that in terms of the 1961 Scheme the appellant was entitled to three chances for allotment of an alternative plot and having surrendered the first one *vide* letter dated 30.03.1978, was still left with two more chances. According to him, the second chance was exercised by the appellant *vide* the communication dated 05.07.1982. To the said communication, he submits that respondent/DDA *vide* letter dated 10.11.1982 communicated that since the appellant failed to deposit 25% of the premium for allotment of an alternative plot, such allotment was cancelled *vide* letter dated 23.05.1978. He contends that the said communication was a unilateral action ignoring the 1961 Scheme whereunder the allottees were granted three opportunities for opting for alternative plots.

9. Mr. Rao, learned senior counsel drew attention of this Court to the decision taken by the respondent/DDA in the year 2004 regarding regularization of delay under Alternative Allotment Scheme. He submits that on a reconsideration of the grievances faced by allottees like the appellant and also after considering that the offer granted earlier was too liberal and was granting undue benefit to the allottees, it was decided that instead of three chances, only two chances would be offered. He states that since the appellant had not exhausted his second chance, the appellant was entitled to seek an allotment of an alternate plot as per the original scheme.

10. He further submitted that on a representation submitted by the



appellant, the respondent/DDA *vide* its letter dated 17.11.2014 had communicated the same to the L&B Department of the GNCT of Delhi for reconsideration of the allotment of alternative plot to the appellant. He states that the L&B Department *vide* the communication dated 26.05.2016 informed the respondent/DDA that the case of the appellant was already considered previously and that it cannot reconsider the same again and again since the failure to deposit 25% of the premium as demanded, was not under the purview of the said department. He states that despite the communication dated 26.05.2016 of the L&B Department, the respondent/DDA did not initiate any action to allot an alternative plot under the 1961 Scheme as amended in the year 2004-2005. It was the said inaction which prompted the appellant to file the underlying writ petition.

11. Mr. Rao contends that having regard to the fact that the original 1961 Scheme offered three chances which was reduced to two chances under the resolution of the Standing Committee dated 24.08.2024, coupled with the fact that the appellant had only exhausted chance only once, he still had atleast one more chance for allotment of alternate plot of land.

12. In order to substantiate and support the aforesaid submission, Mr. Rao forcefully emphasizes that the allotment of alternate plot was made a part of 1961 Scheme predicated on the compulsory acquisition of land belonging to the appellant under the Land Acquisition Act, 1894. He stoutly contends that though compensation may have been given for such acquisition but having regard to the fact that the respondent/DDA had not only offered an alternate plot of land to the appellant, but also had conferred three chances to each of such allottee, the appellant was entitled in law and in fact to atleast one more chance even if regard is had to the



decision taken by the DDA on 24.08.2004.

13. He emphasized that the letter dated 30.03.1978 of the appellant did not seek revocation or cancellation of the allotment of the alternate plot but only surrender keeping in view the financial constraints. In other words, he contends that the appellant was and is entitled to atleast one more chance for alternate plot of land which the respondent/DDA cannot deny keeping in view the fact that the said policy thereafter has not been rescinded till date. He submits that the learned Single Judge did not consider this crucial aspect and has erroneously dismissed the underlying writ petition. He submits that the appellant had been waiting for his lawful entitlement since the year 1978 which has been unilaterally denied by the respondent/DDA.

14. *Per contra*, Mr. Shashi Pratap Singh, learned counsel appearing for the respondent/DDA submits that the appellant has deliberately not impleaded the L&B Department, GNCTD as party to the present proceedings. Further, the appellant was allotted a plot on 14.03.1978, but the allotment was cancelled on 23.05.1978 due to non-payment of the premium, and the case was closed. He further submits that the appellant's application for an alternate plot was rejected by the DDA on 10.11.1982, and this rejection has not been challenged by the appellant till date. He also submits that the subsequent rejection of the appellant's representation dated 25.01.1984 *vide* a letter dated 26.04.1984 by the DDA, has also remained unchallenged.

15. He submits that the present petition, filed after 40 years, is barred by delay and laches. He further stated that a representation received in August 2014 was not considered, as the case had been closed in 1978; and the appellant is not entitled to a second chance for allotment, as the plot was



cancelled for non-payment, and not surrendered. Accordingly, learned counsel for the respondent/DDA submits that the writ petition is devoid of merit and prays that the same be dismissed.

16. Having heard Mr. Rao, learned senior counsel for the appellant and Mr. Shashi Pratap Singh for respondent/DDA, we do not find any reasons to interfere with the impugned judgment.

17. It is not disputed that *vide* letter dated 14.03.1978, the appellant was offered an alternative developed plot at Vikas Puri, whereby he was directed to deposit 25% of the premium amount within one month from the date of the issue of such letter, in case he was interested in such allotment. It is also not disputed that the appellant *vide* the letter dated 30.03.1978, had surrendered the said offer on the grounds of financial constraint. It appears that *vide* letter dated 23.05.1978, the respondent/DDA had accepted the letter dated 30.03.1978 and had informed the appellant that such offer was revoked in view of the request made.

18. Admittedly, the appellant *vide* letter dated 05.07.1982 requested the respondent/DDA for allotment of an alternate plot as, according to him, he was in a good financial condition to make the payment. Apparently, this request was rejected by the respondent/DDA *vide* letter dated 10.11.1982 unequivocally. It was mentioned, *inter alia*, in the said letter that on account of failure to deposit 25% of the premium, the allotment of plot was cancelled *vide* letter dated 23.05.1978, which was received by the appellant. Admittedly, no challenge to the letter dated 10.11.1982 of the DDA was laid by the appellant before any Court of law.

19. It appears that on a representation dated 25.01.1984 preferred by the appellant, the respondent/DDA *vide* the letter dated 26.04.1984, *inter alia*,



intimated its regret to the appellant that it would not be possible to revive the lapsed offer of allotment made in his favour *vide* letter dated 14.03.1978. Admittedly, this letter too was never challenged by the appellant.

20. The reliance of the appellant on the resolution dated 24.08.2004 of the respondent/DDA reducing the chances originally offered under the 1961 Scheme from three to two chances, which is stated to have been subsequently exercised by the appellant, is also misplaced. This is for the reason that having not challenged the aforesaid two communications and those having attained finality, the right of the appellant by virtue of a mere resolution dated 24.08.2004 of the respondent/DDA does not get revived or resurrected.

21. Moreover, the appellant had not taken any action even on such resolution dated 24.08.2004 till the year 2014 when he submitted his representation to the respondent/DDA as also to the L&B Department of the GNCTD. Learned senior counsel was unable to explain or offer any reasons as to why the appellant had not approached the Court of law or any authority from the year 2004 till the year 2014.

22. Having regard to the fact that the cancellation of offer of allotment was informed to the appellant firstly in the year 1982 and subsequently in the year 1984; the fact that the appellant not taken any redressal measures coupled with the fact that the appellant has not been able to explain the inordinate delay from the year 2004 till the year 2014, we are of the considered opinion that the writ petition was hit by delay and laches which, according to us, is insurmountable in the facts of the case. This is notwithstanding with the fact that the appellant did not challenge



cancellation letters dated 10.11.1982 and 26.04.1984. For the sake of convenience, the contents of the letters dated 10.11.1982 and 26.04.1984 are extracted hereinbelow:

Letter dated 10.11.1982:-

*“DELHI DEVELOPMENT AUTHORITY
VTKAS MINAR, L.S.B. (R)
I.P. ESTATE, NEW DELHI*

*No.F.23(6)/76-LSB (R)
10.11.1982*

Dated:

From: Deputy Director ()

*To: Secretary (L&B)
Delhi Administration,
Vikas Bhawan,
New Delhi*

*Sub: Allotment of an alternative developed plot to those whose lands
have been acquired for residential scheme in West Zone.*

Sir,

I am directed to inform you that L&B Department, Delhi Administration has recommended a plot in West Zone in favour of Sh.Laxmi Narain S/o Sh. Shiv Dayal vide letter No.3 I (21)/4/74-L&B dt. 24/5/75 and accordingly an offer letter to deposit 25% of premium of Rs.6301-80 for the allotment of an alternative plot in Vikaspuri was issued vide this office letter of even number dt. 14/3/78, but the party failed to deposit the same, ultimately, the allotment of plot was cancelled vide letter of even number dt. 23/5/78 under intimation to you.

In view of the circumstances explained by the party, it has been decided to refer the case to your office for re-consideration.

You are, therefore, requested to consider his case.

*Yours faithfully,
Sd/-
F or Deputy Director ()*



Copy forwarded to Sh. Laxmi Narain Tyagi, S/o Sh. Shiv Dayal Tyagi, Rio Vill Bodella, P.O. Tilak Nagar, Delhi-18, w.r.t. His representation dt. 7/9/82 for information."

Letter dated 26.04.1984

*"DELHI ADMINISTRATION: DELHI
LAND AND BUILDING DEPARTMENT
VIKAS BHAWAN : NEW DELHI*

*No.F.31/21/24/80/L&B/Alt.
26.04.1984*

Dated

*To
Shri Laxmi Narain Tyagi,
N2-12, Vill Budhela,
Post Office Tilak Nagar,
New Delhi – 110018.*

Subject:- Allotment of alternative plot.

Sir,

I am directed to refer to your representation dated 20.1.1984 on the subject noted above, and to regret that it is not possible to xxxx revive the lapsed offer of allotment made in your favour on 14.3.79 by the Delhi Development Authority.

Yours faithfully,

*Sd/-
(RITA KUMAR)
UNDER SECRETARY (Alt.)"*

23. We have also examined in detail the impugned judgment passed by the learned Single Judge. We find that the learned Single Judge had examined each and every issue thoroughly and has passed a detailed and reasoned judgment highlighting the facts as observed above regarding no challenge having been laid to the cancellation letters dated 10.11.1982 and 26.04.1984 coupled with the fact that the learned Single Judge has also particularly observed that there was complete silence on the part of the



appellant from the year 1982 to 2014 to assert his legal rights. The relevant paragraphs of learned Single Judge are extracted hereinbelow:-

“14. It has been rightly urged by the learned counsel for the respondent/DDA that it was not a case of surrender of the alternate plot offered to the petitioners but a case of non-payment of premium by the petitioners within the stipulated time, and therefore, the allotment was cancelled vide letter dated 23.05.1978. Neither any representation was preferred against the cancellation of allotment nor the said order was challenged before by Court of law. Further, although a fresh application for allotment of an alternative developed plot was preferred by the petitioners, the same was rejected vide letter dated 10.11.1982 and even the said order was not challenged or assailed before any Court of law.

15. It is evident that there was a stoic silence on the part of the petitioners for more than 35 years and their representations which were decided vide letter dated 02.03.2017 and rejected were also not assailed in any Court of law. Incidentally, a bare perusal of the letter dated 02.03.2017 by the L&B Department would show that the recommendation dated 31.10.2014 issued by the Deputy Director (LA)/Residential/DDA for reconsideration of the case of the petitioners, was answered vide letter dated 26.05.2016 bringing to the notice of the respondent/DDA that the department had already considered and decided the case of the applicants and there were no grounds for reconsideration since the petitioners had failed to deposit 25% of the amount of premium for allotment of alternate plot.

16. In so far as the policy resolution item No. 52 of 2004 for regularization of delay under alternate allotment in the case of Rohini Residential Scheme is concerned, it did not confer any benefit to the petitioners as they had not voluntarily surrendered the allotment. At the cost of repetition, there has been complete silence on the part of the petitioners since the year 1982 to 2014 to assert his legal rights, if any, and thus, the present petition is hopelessly barred by delay and laches. It is well ordained in “law that law does not help those who sleep over their rights”, which legal maxim is expressed in Latin as “vigilantibus non dormientibus jura subveniunt”.

17. All said and done, the petitioners had no vested legal right to be allotted alternative plots on acquisition of their land by the government. Evidently, they had been paid compensation and the scheme for allotment of alternative plot was based on fulfilment of certain terms and conditions which were not met by them.”

24. We are fully in agreement with the findings of fact as recorded by



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the learned Single Judge and find no reasons to take any divergent view. Accordingly, and as a result, the present appeal is dismissed alongwith the pending applications with no order as to costs.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

JULY 28, 2025/rl/aj