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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3176/2021 & CM APPL. 9633/2021

SMT. KAMLESH

.....Petitioner

Through: Mr. SC Singhal & Mr. Saideep
Kaushik, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Asiya Khan, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

04.02.2026

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1. This is a writ petition filed under Article 226 of the Constitution of India seeking directions to the respondent to issue allotment letter with respect to Plot No. 1219, Sector-34, Plot C6, Rohini, Delhi.
2. The brief facts of the case are that the husband of the petitioner Late Mr. Sadhu Singh applied for allotment of an EWS category plot *vide* application No. 79917 having priority No. 5598 in the year 1983.
3. Mr. Sadhu Singh, passed away leaving behind the petitioner (wife) and his children.
4. The petitioner thereafter in the year 2000 shifted to UK and has been visiting India from time to time.
5. In August, 2019, the petitioner on her visit to India was contacted by a local property dealer who informed her about the allotment and wanting to buy the same.



6. It is thereafter the petitioner sent a letter to the Deputy Director, DDA on 29.08.2019, giving the particulars and requested for allotment of the plot. Since the plot has not been allotted, the present petition has been filed.
7. Ms. Khan, learned counsel for the respondent/DDA opposes the petition. She states that the respondent was never intimated about change of address of the allottee nor was the news ever communicated by the LRs. She also states that the petition is barred by delay and laches as the relief is being sought after 25 years.
8. I have heard learned counsels for the parties.
9. In the present case, admittedly, the husband of the petitioner applied and as per the application form, the address of the petitioner is RZ-21, Vishnu Garden Extension No. 2, New Delhi-110018.
10. From the date of application, admittedly, there has been no letter by the petitioners informing the respondent/DDA regarding any change of address, the demise of Mr. Sadhu Singh or any other correspondence till the year 2019.
11. The draw of lots was held in the year 2012 and as per the documents available on record, the respondent duly communicated the same to Late Mr. Sadhu Singh at the address available on record of DDA i.e. RZ-21, Vishnu Garden Extension No. 2, New Delhi-110018. The affidavit also has the copy of the speed post communicating the allotment to Late Mr. Sadhu Singh at the said address.
12. Obviously, since the petitioner was not residing at the address, the same was returned undelivered.
13. The respondent, in my view, is under an obligation to send demand-



cum-allotment letter at all known addresses available on record with the respondent *qua* the allotment.

14. The respondent after allotment is not required to conduct an inquiry as to the status of the petitioner, find the new address of the petitioner and thereafter, send the allotment letter to the petitioner.
15. The petitioners after the date of application i.e. in 1980s has been taking no efforts whatsoever to contact the respondent, or to seek the status of allotment, or to inform the respondent about the demise of Mr. Sadhu Singh, or to inform the respondent about the change of address.
16. For the said reasons and in view of the aforesaid, no fault can be found with the process of the respondent.
17. Additionally, the petition is also barred by delay and laches as even the allotment cum demand letter was sent on 26.11.2014 at the official address maintained in the records of DDA. The present writ petition was filed in 2020, for an allotment which was applied in 1983 and granted in 2014. The same is in line with the case of ***Tridip Kumar Dingal v. State of W.B., (2009) 1 SCC 768*** wherein it was held by the Hon'ble Supreme Court as under:

“56. We are unable to uphold the contention. It is no doubt true that there can be no waiver of fundamental right. But while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution, this Court takes into account certain factors and one of such considerations is delay and laches on the part of the applicant in approaching a writ court. It is well settled that power to issue a writ is



discretionary. One of the grounds for refusing reliefs under Article 32 or 226 of the Constitution is that the petitioner is guilty of delay and laches.

57. If the petitioner wants to invoke jurisdiction of a writ court, he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been disposed of or settled or where the rights of third parties have accrued in the meantime...

(Emphasis added)

18. Hence, the present petition is dismissed.
19. Pending applications, if any, stand disposed of.

FEBRUARY 4, 2026 / (MS)

JASMEET SINGH, J