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

+ **W.P.(C) 403/2011, CM APPL. 787/2011**

KIRAN BHATIA

.....Petitioner

Through: Ms. Saloni Mahajan Adv.
versus

DDA

.....Respondent

Through: Ms Manika Tripathy SC for DDA with
Mr Gautam yadav adv. and Mr Aakash
Mohar adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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10.02.2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“a) A Writ of Certiorari calling for the records of the case and peruse the same;

b) A Writ of Certiorari quashing the action of the Respondent / DDA in cancelling the allotment of MIG Flat No. 141, Pocket 3, Sector 19, Second Floor, Dwarka, New Delhi made In favour of the Petitioner, under NPRS 1979, after non-delivery of allotment letter sent at the address given at the time of registration, despite the fact that the occupational addresses of both the Petitioner and her husband were also given by the Petitioner at the time of registration and were available on record, and then declining to restore the allotment, being illegal, arbitrary, discriminatory, unjust and in violation of the Rules, Regulations and policy and the principles of equity, natural



justice and good conscience;

c) A Writ of Mandamus directing the Respondents to allot an alternative MIG plot in Dwarka In the same area / Sector and issue a demand letter to the Petitioner in respect thereof, charging him for the same at the old cost with interest, as per policy

d) A Writ of mandamus commanding the respondent to pay the cost of the petition to the petitioner.....”

2. The facts are that the petitioner, now a retired government/public servant, was registered with the Delhi Development Authority (“**DDA**”)i.e., the respondent, under New Pattern Registration Scheme, 1979 (“**NPRS Scheme**”) for allotment of a MIG flat on making payment of the registration deposit.

3. At the time of registration, the petitioner had given her address as House I/A/171, Lajpat Nagar, New Delhi, where she was living at that time. Besides the residential address, the petitioner had also given her occupational address i.e., National Textile Corporation Limited, Divisional Office (Market Division) 71/4, Najafgarh Road, New Delhi, 110015, where she was working at that time and also the occupational address of her husband namely Mr. V.K. Bhatia, Draftsman in the office of Executive Engineering (Elect.) P.W.D., Electric Division No. 5, Delhi Administration, New Delhi, where he was working at that time.

4. Till the year 1996, no allotment was made to the petitioner by DDA and in the meantime, the petitioner shifted her residence from Lajpat Nagar to Loni, Ghaziabad, and admittedly she did not inform the change of her residential address to DDA.

5. In 1996, the petitioner’s name was included in the draw of lots and she



was allotted a MIG flat bearing No. 141, Pocket 3, Sector 19, Second Floor, Dwarka, New Delhi and a allotment *cum* demand letter dated 05.11.1993 was issued and sent to the petitioner at her residential address given at the time of registration.

6. Since the petitioner had shifted her residence by then, obviously the said demand *cum* allotment letter was not served upon the petitioner.

7. Thereafter, in May 2010, the petitioner came to know that most of the registrants of NPRS Scheme have already been allotted a flat. On visiting DDA's office, she found out that her allotment was cancelled due to non-payment of the amount.

8. Subsequently, the petitioner appeared in public hearing of DDA and made representations requesting DDA to allot an alternative flat. However, there has been no response to the petitioner's representations.

9. Hence, the present petition.

10. Ms. Tripathy, learned standing counsel for DDA, states that the case of the petitioner is barred by delay and laches. Additionally, the petitioner did not inform the respondent about her change of address from House I/A/171, Lajpat Nagar, New Delhi to Loni, Ghaziabad and hence, no fault can be found with the action of the respondent in cancelling the allotment.

11. In this regard, she relies on Clause No. 27 of the Brochure, as extracted in the counter affidavit on behalf of the respondent, which reads as under:-

“the depositors are advised to communicate the change(s) in their address from time to time to the Accounts Officer (Housing) with copy to the Dy. Director (Housing)-I quoting their Deposit Receipt No. and the Registration No. with date.”

12. She also relies on the judgment of a Coordinate Bench of this Court in



Krishan Gopal Bakshi v. Delhi Development Authority, 2018 SCC OnLine Del 8162, wherein an inordinate delay was held to be non-condonable and the petition was held to be barred by delay and laches.

13. *Per contra*, learned counsel for the petitioner, has brought to my attention judgment of Division Bench of this Court in ***Delhi Development Authority v. Mahinder Pal Sikri, 2013 SCC OnLine Del 4803***, and more particularly paragraphs No. 13, 16 and 17, which reads as under:-

“13. Considering the facts of the present cases, it is claimed, and the DDA does not contest, that all writ petitions, with one exception, were filed in well under a year from the date of knowledge of the allotment letter, and even in LPA 302/2013, the period was 1 year and 5 months. Such periods do not amount to such inordinate delay as to bar the petitioner's legal remedy under Article 226. In fact, all the applicants had applied under the NPRS, 1979, and all allotment-cum-demand letters were issued at least after a period of one decade (as in LPA 302/2013), or as is the norm, after approximately two decades in the other matters presently in appeal. Given such a delay in processing the applications, and subsequently, either sending the letter to the wrong address, or not to all available addresses, the equities do not demand that the petitioner's valuable rights to the allotted plots can be defeated, especially when the time lag between the knowledge of allotment and the filing of the writ petitions is not so long as to state that the petitioners were being indolent. Rather, each petitioner discovered the fact of the allotment letter through his/her own accord, and subsequently, within a reasonable period, approached this Court for relief under Article



226. In such cases, this Court is the opinion that its discretion to bar the claim on account of delay or laches, i.e. to say that the petitioners' were negligent in pursuing their legal remedies, is not merited, and thus, the orders of the learned Single Judges on this aspect are not liable to be interfered with. This court is conscious of the fact that given the span of over two decades, - sometimes even more than three decades for an application to “mature” into an allotment, it would be unreasonable for the Court to impute negligence or deliberate inaction, since the registrants cannot be expected to have a constant or permanent address. These registrants were not possessing flats or residential accommodation, which impelled them to apply DDA; it is too much to expect them to live more than 20-30 years in one place.

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16. Indeed, this principle applies squarely to these cases as well, and thus, the decisions of the learned Single Judges cannot be faulted on this ground. In fact, the decision in Hirdayapal Singh (supra) is clear on this point, and applies squarely to the facts and circumstances of the present appeals:

“5. The short question here is whether the DDA was justified in cancelling the allotment in the facts and circumstances of the case. The records of the case with the DDA have been perused. It is clear that DDA made a note of the change of address intimated to it by the petitioner's letter dated 4.11.1993. The DDA, therefore, took note not only of the present changed address of the petitioner as indicated in that



letter but also the permanent address indicated therein. Apart from stating that it was under no obligation to send such allotment letter to the permanent address, there is no other explanation given by the DDA as to why it could not have sent the allotment letter to the permanent address as well. To the Court it appears that the intimation of allotment ought to have been set not only to the present address available on file but, if the allotment letter was returned undelivered, to the permanent address as well. From the point of view of the DDA this would have not only cost nothing to the DDA but it would have ensured that the DDA has made every possible effort to reach the allotment letter to the petitioner. From the petitioner's perspective, despite having intimated to the DDA his permanent residence, its failure to send the allotment letter there, meant that it resulted in the cancellation of his allotment. The loss to the petitioner of an allotment, for which he had been waiting since 1979, would indeed be far greater in such a situation. It must be realised that as a condition of eligibility for allotment of a flat under the NPRS 1979 an applicant should not own any other permanent residence. It is not difficult to imagine that persons who do not own premises in this city are quite likely to rent a residence and also periodically shift such residence taken on rent. Therefore, while it is certainly the obligation of such applicant to inform the DDA of the change of address, there is also a corresponding obligation



of the DDA to attempt to send the allotment letter to every possible address of the applicant that has been intimated to it and is available on its records.

6. On the facts of the present case the DDA certainly did not send the allotment letter to the addresses of the applicant/petitioner available with it on its records. Its failure to send the allotment letter to the petitioner's permanent address, in the facts and circumstances of the case, cannot be justified. Accordingly the consequential cancellation of the allotment also cannot be sustained in law. It is accordingly held that the DDA's cancellation of the petitioners allotment was, in the circumstances, not justified in law and that the petitioner would be entitled to all consequential reliefs flowing from the wrongful cancellation of this allotment.”

17. The DDA admits that the occupational address of all the writ petitioners was available on its file (with two exceptions, i.e. LPA 346/2013 and 369/2013). This being the case, it is clear that an obligation lay on the DDA to attempt to inform the writ petitioners' at all available addresses, rather than substitute this obligation for a press notice. Indeed, neither the decisions of the Supreme Court in Wazir Chand (supra) and Banda Development Authority, Banda (supra) nor the various judgments of this Court relied upon by the DDA displace this principle, on which the learned Single Judge rightly based his decision. Indeed, as regards the two appeals mentioned above wherein there was only one address, it is admitted



by the DDA that the letters were sent to the wrong addresses through mistakes of the DDA's clerks, and crucially, for no fault of the writ petitioners. After those letters came back undelivered, the DDA did not, at any point, try to go into the matter to determine whether indeed the letters were sent to the wrong addresses. In such a case, it does not lie in the DDA's mouth to claim that the writ petitioners' are liable to suffer, and their allotments be cancelled, on account of a mistake committed by the DDA itself."

14. I have heard learned counsels for the parties.

15. The issue in controversy is no longer *res integra*. A perusal of the paragraphs reproduced above from ***Mahinder Pal Sikri (supra)***, show that the Division Bench of this Court held that writ petitions filed under a year or year and a half from the date of knowledge of allotment does not amount to inordinate delay. The Division Bench further observed that when DDA has available with it the occupational address of the petitioners, the obligation was on DDA to inform the petitioners at all available addresses, instead of substituting this obligation for a press notice.

16. Hence, once the DDA takes a long time between application for allotment and allotment, the onus on the petitioner is less to explain the delay and the petitioner is to only to show that from the date of knowledge of the allotment, the petitioner has knocked the door of the Court within a reasonable time.

17. As per the averments made in the present petition, the petitioner became aware that the allotment had been made in May 2010 and the petitioner approached this Court in the year 2011. Hence, in light of the judgment ***Mahinder Pal Sikri (supra)***, it cannot be said that the case of the



petitioner is hit delay and laches.

18. The Division Bench of this Court in *Mahinder Pal Sikri (supra)* also held that where more than one address is available on the file of DDA, it is incumbent on DDA to serve allotment letter on all the addresses available, which in the present case the DDA did not do.

19. Further, the judgement of *Krishan Gopal Bakshi (supra)* relied upon by the learned standing counsel for DDA is not relevant in the present case. In *Krishan Gopal Bakshi (supra)*, the Coordinate Bench observed that as per petitioner's own averments he filed representation only in the year 2000 and that is a gap of 13 years before the petitioner filed an RTI application in 2013 and hence, the filing of the petition in the year 2014 was hit by delay and laches. The same is not the case here as observed above.

20. For the said reasons, the defences of the respondent that (a) the petition is barred by delay and laches and (b) the petitioner left the address given in the application without informing the DDA, do not find favour with me.

21. Consequently, the present petition is allowed and the respondent shall by holding draw of lots allot an alternative/ similar flat to the petitioner at the rate prevalent on the date of filing of the petition.

22. The present petition is disposed of in aforesaid terms.

JASMEET SINGH, J

FEBRUARY 10, 2026/DM