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

Date of Decision: 30.03.2026

+ **LPA 175/2026, CM APPL. 19900/2026 & CM APPL. 19901/2026**

KAMLESH

.....Appellant

Through: Mr. S.C. Singhal & Mr. Parth Mahajan,
Advocates (through VC).

Versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Shobhana Takiar- Standing
Counsel along with Mr. Kuljeet Singh
& Mr. Razia, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)

1. The present Letters Patent Appeal is filed against the Order dated 04.02.2026 (“**Impugned Order**”) in W.P. (C) 3176/2021 (“**Writ Petition**”), whereby the Writ Petition filed by the Appellant seeking allotment of the plot by the Respondent was dismissed.
2. It is the case of the Appellant that the Appellant is the widow of Late Shri Sadhu Singh, who had applied for allotment of a plot of land in the year 1983 by the Respondent under EWS category. Late Shri Sadhu Singh passed away on 29.06.1996. After his death, the Appellant migrated to UK in the year 2000.
3. The Appellant has contended that the Appellant became aware of the allotment of Plot No. 1219 in Sector-34, Pocket C-6, Rohini (“**Plot**”) by the Respondent in favour of Late Shri Sandhu Singh in August 2019, when she was contacted by local property dealer enquiring for purchasing the Plot.

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Accordingly, the Appellant sent a letter dated 02.09.2019 to the Respondent under Right to Information Act, 2005. Subsequently, the Appellant sent a Legal Notice dated 04.09.2019. As no response was received from the Respondent, the Appellant filed the Writ Petition on 10.06.2020.

4. During the pendency of the Writ Petition, the Respondent informed that the draw of lots for the Plot took place on 06.12.2012 and demand-cum-allotment letter dated 26.11.2014 (“**Demand-cum-Allotment Letter**”) was sent to the address of Late Shri Sadhu Singh, at RZ-21, Vishnu Garden No. 2, New Delhi, which was mentioned in the application form. However, the same was received unserved.

5. It is the case of the Appellant that the address at which the Demand-cum-Allotment Letter was sent, was sold by Late Shri Sadhu Singh in 1990 and it cannot be expected that a person would stay at a particular address for 30 years. In any event, Late Shri Sadhu Singh died in the year 1996 and the Appellant was not aware about the registration for the allotment of Plot with the Respondent, which she came to know only through the property dealers in August 2019.

6. The Respondent has contended that Late Shri Sadhu Singh never intimated about any change in address and even the information about his death was never communicated to the Respondent by his legal heirs. It was also submitted on behalf of the Respondent that there has been delay and latches of more than 25 years by the Appellant.

7. The Impugned Order has observed that the Demand-cum-Allotment Letter sent by the Respondent to the last known address available on record with the Respondent was justified as the Respondent was not required to



conduct an enquiry as to the status of the allottee to find out the new address and send the Demand-cum-Allotment Letter to the correct address of the allottee. It is further held that it was the obligation of the allottee to communicate to the Respondent, if there was any change in address. It is also recorded that after applying for the Plot, Late Shri Sadhu Singh as well as the Appellant did not take any effort whatsoever to contact the Respondent or seek the status of allotment.

8. As per the affidavit dated 29.07.2021 filed on behalf of the Respondent before the learned Single Judge in the Writ Petition, it is stated that the Demand-cum-Allotment Letter was issued by the Respondent, wherein it was intimated about the deposit of premium in respect of the Plot. It is also stated that the Demand-cum-Allotment Letter was dispatched to the last known address of Late Shri Sadhu Singh through speed post, however, the same was not delivered.

9. In view of the above, the learned Single Judge in the Impugned Order has held that no fault can be found with the process of the Respondent. Further, it is held in the Impugned Order that the Writ Petition suffered from delay and laches. Accordingly, the Writ Petition was dismissed.

10. We have considered the submissions made on behalf of the Parties.

11. Admittedly, the Appellant was not aware about application made by her husband for allotment of the Plot in the year 1983. It is also admitted that the property of which the address was given by Late Shri Sadhu Singh at the time of making the application for allotment of the Plot was sold in 1990 and no intimation of the same was given to the Respondent. Even the Respondent was not informed about the death of Late Shri Sadhu Singh.



12. From the averment made by the Appellant in this Appeal, it is evident that the Appellant was not even aware about the application made by her husband, Late Shri Sadhu Singh for allotment of the Plot by the Respondent. Therefore, the Respondent was justified in communicating with the allottee as per the address available with the Respondent, which was undelivered as the Appellant was not staying at the said address since 1990. It was the duty of Late Shri Sadhu Singh to inform the Respondent in 1990 itself, when the property was sold of which the address was given by him in the application form for allotment of the Plot.

13. Based on the foregoing, since the allotment was made to a deceased individual, it was invalid given that the Respondent was not notified of Late Shri Sadhu Singh's demise by the Appellant. Consequently, the Appellant cannot rely on the Demand-cum-Allotment Letter issued to Late Shri Sadhu Singh. Additionally, the Respondent dispatched the Demand-cum-Allotment Letter to the last recorded address in its files. Thus, as affirmed by the learned Single Judge in the Impugned Order, no fault lies with the Respondent.

14. The Impugned Order has also considered the delay in approaching this Court by filing the Writ Petition. Although the Appellant had filed the Writ Petition once she became aware about the allotment through the property dealers in August 2019, as stated by her, the lapse on part of Late Shri Sadhu Singh and, thereafter, by the Appellant to keep the Respondent informed about the change in the address and death of the applicant Late Shri Sadhu Singh is not explained, except stating that no person is expected to stay at one place for more than 30 years. Such an approach by the Appellant cannot entitle her to seek allotment of the Plot, which was automatically cancelled in terms



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of the allotment due to lapse on part of Late Shri Sadhu Singh and the Appellant to make the payment within the stipulated time.

15. Therefore, the learned Single Judge was justified in dismissing the Writ Petition *vide* the Impugned Order. Accordingly, the present Appeal is dismissed along with the pending Applications. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MARCH 30, 2026/sms