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

+ **W.P.(C) 1246/2013**

K.K.RAJPUT

.....Petitioner

Through: **Mrs. Saloni Mahajan Adv.**

versus

D.D.A.

.....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

% **10.02.2026**

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

“a)Writ of Certiorari calling for the records of the case for perusal.

b)A Writ of Certiorari quashing the action on the part of the respondents in first sending the allotment cum demand letter at the wrong residential address and then canceling the allotment of Flat made in favour of the petitioner, after receiving back the allotment letter as undelivered, without trying to serve the same upon the petitioner by resending it to the available occupational address, and then refusing to make alternative allotment of a similar flat in the same area in violation of the Rules, Regulations and policy and the principles of equity, justice and good conscience;

c) A Writ of Mandamus commanding the respondent to forthwith allot through a mini draw a suitable and similar MIG Flat in Dwarka to the Petitioner at the appropriate cost.

d) Any other writ, order or direction which may be deemed fit and



proper in the facts and circumstances of the case and in the interest of justice.

e) A Writ of Mandamus commanding the Respondent to pay the costs of this petition to the Petitioner.”

2. The facts are that in the year 1979, the respondent i.e., Delhi Development Authority (“**DDA**”), announced a scheme for allotment of flats under MIG, LIG and Janta categories and the petitioner, an ex-service man, got himself registered for the allotment of an MIG Flat.

3. At the time of registration, the petitioner had given his residential address as BB-26C, Janakpuri, Delhi, where he was living at that time. Besides the residential address, the petitioner had also given his occupational address i.e., Stall No. 7, B-Block, Janakpuri, Delhi.

4. The petitioner was included in a draw of MIG category held by DDA on 28.03.2001, wherein he was allotted flat No. (FF) 85, Sector-17, Pocket-D, Dwarka. However, the allotment *cum* demand letter was sent by DDA at a wrong address i.e., 26 CB, Pocket-B, Janakpuri, Delhi and hence, the same was not received by the petitioner.

5. Consequently, the DDA cancelled the allotment due to non-response/non-payment from the petitioner.

6. On 21.01.2013, the petitioner attended a public hearing to know the status of his allotment and it is then he came to know that a flat bearing No. 85 (FF), Sector-17, Pocket-D, Dwarka was allotted to him in the year 2001, but the same was cancelled due to non-response/non-payment.

7. Subsequently, the petitioner made representation to DDA pointing out that the allotment *cum* demand letter was sent at wrong address and requested DDA to allot an alternative flat.



8. However, in a personal meeting DDA Officials, the petitioner was informed that his representation cannot be accepted as DDA issued public notice dated 22.11.2012.

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. 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.

11. *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 of 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.”

12. I have heard learned counsels for the parties.

13. 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 sent letters at wrong addresses and after such letters were undelivered, then DDA cannot cancel the allotments on account of their own mistake.

14. 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.

15. As per the averments made in the present petition, the petitioner became aware that the allotment had been made on 21.01.2013 and the petitioner approached this Court in the year 2013 itself. Hence, in light of the judgment ***Mahinder Pal Sikri (supra)***, it cannot be said that the case of the petitioner is barred by delay and laches.

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

17. 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 case here as observed above.

18. For the said reasons, the defence of the respondent that the petition is barred by delay and laches do not find favour with me.

19. 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.

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

JASMEET SINGH, J

FEBRUARY 10, 2026/DM