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

+ **W.P.(C) 3465/2014**

LAKSHMAN DUTT KHANNA

.....Petitioner

Through: Mr Kartickay Mathur, Adv.
versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms Kritika Gupta, Adv.
Ms. Priya Puri and Mr. Sachin Dubey Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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29.01.2026

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

“1)Issue a writ of certiorari thereby quashing or setting aside the order dated 28.01.2014 passed by the respondent as illegal thereby holding the petitioner entitle to allotment of flat under the 1979 scheme.

2)Issue a Writ of Mandamus thereby directing the respondent to allot the flat number 53, First Floor Sector 23, Pocket 6 Rohini, Delhi 110085 or in alternate a similar flat be allotted to the petitioner on same terms and conditions as under the scheme of 1979.”

2. The case of the petitioner is that in 1979 the respondent i.e., Delhi Development Authority (“**DDA**”) floated a policy namely New Pattern Housing Registration Scheme (“**NPRS 1979**”), for providing flats to Delhi residents. The father of the petitioner, Mr. Chanan Shah Khanna



son of Sh. Giloi Shah, resident of House No. 2096, Mohalla Rodgran, Lal Kuan, Delhi applied for allotment of a MIG Flat under the said scheme *vide* registration number 21015 dated 22.05.1980 and paid an amount of Rs. 4,500/- through FDR No. 173726 dated 27.09.1979.

3. In 1995, the petitioner's father shifted out of the aforesaid tenanted accommodation to another accommodation at 1/9487, West Rohtash Nagar, Gali No. 7, Shahdra, Delhi-110032 and according to the petitioner, the intimation of the same was sent by the petitioner's father to respondent/DDA *vide* letter dated 05.01.1995 through "UPC".
4. Mr. Chanan Shah Khanna, petitioner's father, expired on 30.12.2000 and the said fact was intimated to the respondent/DDA by the petitioner's mother *vide* a letter dated 02.08.2001.
5. In 2002, the respondent/ DDA implemented the NPRS 1976 and in the draw held on 27.09.2002, the petitioner's father was declared a successful allottee.
6. Since the petitioner was unaware of the status of the allotment of flat, the petitioner applied an application under the Right to Information Act, 2005 ("**RTI Act**") and received a reply dated 26.10.2009. The said reply is relevant and important and is extracted below:-



DELHI DEVELOPMENT AUTHORITY
MIG(H), 2ND FLOOR, D -BLOCK
VIKAS SADAN, INA, NEW DELHI.

No.M353(2568)2002/NP/RO/4970

Dated. 26/10/09

To

Sh. Laxman Dutt Khanna
S/o late Sh. Chanan Shah Khanna
R/O- 328, New Lajpat Rai Market
Delhi-110006.

Sub: Information require under RTI Act-2005.

Sir,

Please refer to your letter dt. 28/8/09 on the subject mentioned above. In this connection, it is intimated that a MIG flat NO. 53, FF, Sector-23, pkt-6, Rohini was allotted to you against registration No. 21015-NP-79 in the draw held on 27/9/2002 on Hire Purchase basis. The demand -cum-allotment letter was issued in the block dates 9/12/2002-16/12/2002 having the last date of payment 15/5/2003 at the following address:-

2096, Mohalla Rodgran
Lal Kuan, Delhi.

-But the same was returned to this office undelivered with the remarks of postal authority "Is number mein is nam ka koi admi nahi rahta hai- vaapis". The demand letter was again send at the same address but it was again returned undelivered with the same remarks. When no response was received from your part, the said allotment was cancelled due to non-payment as per terms and conditions of the demand letter.

Therefore, you are, requested to apply for refund of registration money alongwith all original documents.



7. Thereafter, the petitioner made application to the respondent/DDA seeking mutation of the flat being MIG Flat No. 53, First Floor, Sector 23, Pocket 6, Rohini.
8. The respondent/DDA has duly been communicating with the petitioner directing the petitioner to submit all the relevant documents and to fulfil the requisite pre-conditions for taking further steps towards mutation of the flat.
9. It is the case of the petitioner that he submitted all the requisite documents and sent multiple reminders to the respondent/DDA.
10. The petitioner received a impugned letter dated 28.01.2014 from the respondent/DDA stating that the said flat has already been cancelled due to non-compliance of the terms and conditions of the allotment within the stipulated period.
11. Hence, the present petition.
12. Mr. Mathur, learned counsel for the petitioner, has primarily advanced three submissions. First, that the petitioner's father had duly informed the respondent/DDA regarding shifting of address by UPC and no cancellation letter has been received at the changed address and hence, there is no cancellation. Second, the petitioner had duly supplied the changed address to the respondent/DDA through UPC. Lastly, on delay and laches, it is the submission of Mr. Mathur, learned counsel, that the respondent/DDA has been duly asking the petitioner to come with original papers for allotment and hence, the claim of the petitioner was duly subsisting. It is only on 28.01.2014 when the petitioner received the impugned letter informing him of cancellation and the right to sue accrued in favour of the petitioner.



13. Ms. Gupta, learned counsel for the respondent/ DDA, opposes the petition on the ground, amongst others, of it being barred by delay and laches. It is submitted that original allottee i.e., Sh. Chanan Shah Khanna, registered himself under NPRS 1979 for allotment of MIG flat and admittedly, he expired on 30.12.2000, but respondent/DDA received no intimation in this regard. Further, the registrant was allotted the said MIG flat in the draw held on 27.09.2002 and the demand-cum-allotment letter was issued to the registrant at the address provided by him in the application form i.e., 2096, Mohalla Rodgran, Lai Kuan, Delhi-110006, but the same was returned. The allottee, Sh. Chanan Shah Khanna, failed to deposit the demanded amount within stipulated time and consequently the allotment was cancelled.
14. I have heard learned counsels for the parties.
15. In the present case, even though the UPC does not inspire my confidence for the reason that the UPC certificate only shows it being addressed to DDA, MIG Housing, Vikas Sadan, New Delhi, whereas, the same letter was addressed to the Assistant Director, DDA (MIG Housing), INA, New Delhi. Further, there is no receipt of acknowledgment by the DDA in any of the letters i.e., 05.01.1995 or 02.08.2001 and both have been sent through UPC.
16. Hence, the petitioner raises disputed questions of fact, which this Court is unable to adjudicate in a writ petition.
17. The other and most important factor which weighs with me is the reply dated 26.10.2009 to the petitioner's application under the RTI Act, admittedly, received by the petitioner, which categorically informed the



petitioner that “the said allotment was cancelled due to non-payment as per terms and conditions of the demand letter”.

18. It is on this day i.e., 26.10.2009, when the petitioner became informed that the allotment was cancelled, that the right to sue accrued in favour of the petitioner.
19. The law on delays and laches has been settled by the Hon’ble Supreme Court in ***Banda Development Authority v. Moti Lal Agarwal, (2011) 5 SCC 394***, wherein it was held as under:-

“17. It is true that no limitation has been prescribed for filing a petition under Article 226 of the Constitution but one of the several rules of self-imposed restraint evolved by the superior courts is that the High Court will not entertain petitions filed after long lapse of time because that may adversely affect the settled/crystallised rights of the parties. If the writ petition is filed beyond the period of limitation prescribed for filing a civil suit for similar cause, the High Court will treat the delay unreasonable and decline to entertain the grievance of the petitioner on merits.”

(Emphasis added)

20. Applying the said principles as observed by the Hon’ble Supreme Court in ***Banda Development Authority (supra)***, the petitioner had to initiate appropriate legal proceedings within 3 years of the date of the said reply i.e., 26.10.2009 i.e., upto 25.10.2012. Writing subsequent letters and the respondent/DDA acknowledging the same and calling for documents, will not extend the period of limitation once it begins to run.



21. In the present case, the petition has been filed in the year 2014. No satisfactory explanation has been furnished to explain the delay from 25.10.2012 till filing of the present petition in the year 2014.
22. For the said reasons, this Court is unable to entertain the present petition.
23. Hence, the present petition is dismissed.

JASMEET SINGH, J

JANUARY 29, 2026 / (MS)