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

+ W.P.(C) 1739/2026, CM APPL. 8486/2026

MAHENDER SINGH & ANR.

.....Petitioners

Through: Appearance not given.

versus

THE DY. SECRETARY LAND AND BUILDING DEPARTMENT
GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Kumar Pathak, SC with
Mrs. K. Kaomudi Kiran, Mr. Sunil
Kumar Jha, Mr. M.S. Akhtar and Ms.
Joohu Kumari, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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06.02.2026

1. The present petition seeks quashing of the rejection order dated 20th February, 2014 and the decision taken in the minutes of meeting dated 17th January, 2014 of the Recommendation Committee constituted by the Land & Building Department, Government of NCT of Delhi, whereby the Petitioners' application dated 2nd February, 1994 for allotment of an alternative plot in lieu of acquired land was rejected.
2. At the outset, considering that the petition has been filed after a delay of approximately 12 years, the Court queried counsel for the Petitioners regarding the reasons for approaching this Court at such belated stage.
3. In response, it is submitted that Petitioner No. 2 had been convicted in FIR No. 9/1983 and sentenced to 20 years' imprisonment and was released



only on 16th July, 2009. It is further contended that during incarceration and thereafter, he suffered from mental and physical ailments and remained unaware of the developments pertaining to the application for allotment of alternative land. It is also urged that no communication regarding rejection of the application was ever served upon the Petitioners.

4. The Court is unable to accept the explanation offered. The law relating to delay and laches in writ jurisdiction is well settled. It is not a mere technicality but goes to the root of the exercise of discretionary jurisdiction under Article 226 of the Constitution of India. The Petitioners seek to reopen a matter concluded in the year 2014. The plea of incarceration is of no assistance to the Petitioners. Admittedly, Petitioner No. 2 was released in 2009, nearly five years prior to the impugned rejection order. Thus, his imprisonment has no proximate nexus with the delay in challenging the decision.

5. The reliance on medical ailments is equally unpersuasive. The documents placed on record are only certain OPD cards of the year 2014 and do not explain the inaction for the subsequent twelve years. No material has been produced demonstrating continuous incapacity preventing the Petitioners from seeking legal remedy.

6. Furthermore, as rightly pointed out by Mr. Sanjay Kumar Pathak, Standing Counsel for the Respondent, the grounds urged predominantly relate to Petitioner No. 2. There is no explanation whatsoever why Petitioner No. 1, who independently claims entitlement to allotment, failed to pursue remedies within reasonable time.

7. The contention regarding non-service of the rejection order also cannot be accepted. The Petitioners had applied in 1994 and were required



to pursue the outcome of their application with due diligence. A party cannot remain inactive for over a decade and then seek to revive a stale claim by merely asserting lack of communication.

8. The records indicate that the case was rejected for non-submission of requisite documents despite letters issued by the Department, including the latest communication dated 19th September, 2013.

9. In these circumstances, the petition suffers from gross delay and laches and no ground is made out for exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

10. Accordingly, the writ petition is dismissed, along with the pending application(s).

SANJEEV NARULA, J

FEBRUARY 6, 2026

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