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

Date of Decision : 15.01.2026

+ **W.P.(C) 6833/2013**

VIJAY KUMAR BAHL

....Petitioner

Through: Ms. Ujala Vishnoi and Mr. Randeep
Singh, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Shobhana Takiar, SC

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: **JASMEET SINGH, J (ORAL)**

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

“(a) Issue a writ in the nature of certiorari and mandamus or any other appropriate writ order or direction thereby directing the Respondent to produce the records pertaining to the Petitioner before this Hon'ble Court;

(b) Issue a writ in the nature of certiorari and mandamus or any other appropriate writ order or direction thereby quashing the letter dated 10.6.2013 issued by the Respondent and to revive the registration of the Petitioner to its original number.

(c) Issue a writ in the nature of certiorari and mandamus or



any other appropriate writ, order or direction thereby directing the Respondent to include the name of the Petitioner in a draw of lots and to allot a MIG Flat in the same locality as allotted in the draw of lots held on 9.7.1994 to the Petitioner upon payment of demand by the Petitioner.”

2. The brief facts of the case are that the petitioner registered himself under the New Pattern Registration Scheme-1979 floated by the respondent. The aforesaid housing scheme offered public to get themselves registered therein and own flats to be constructed by the respondent authority. The policy formulated three categories of registrants namely MIG, LIG and Janta depending on the income range of the registrants. The petitioner on 10.09.1979 registered himself under the MIG category, by paying the requisite fee of Rs. 4,500/- as the registration amount. The respondent thereafter issued a deposit receipt and a Certificate of Registration.

3. Under the said Registration Form, there were two columns for address i.e. one for residential address and another was for occupational address. The petitioner in the column for residential address filled up his address as “H.No.35/C, MIG Flats, Ph-III, Pkt.-C, Ashok Vihar, New Delhi- 110052” and in the occupational address column gave his business address as “1/27, Nicholson Road, Kashmere Gate, Delhi-6”. The deposit receipt dated 10.09.1979 provided by the respondent mentioned the occupational address of the petitioner and the Certificate of Registration bearing registration No. 6853, dated 28.03.1980 mentioned the residential address of the petitioner. Thereafter, in 1980, the respondent authority issued a letter to the petitioner, addressed at his occupational address, instructing him to collect the



documents.

4. In pursuance of the draw of lots conducted, the petitioner was issued a demand letter dated 09.07.1994 at his residential address, which was returned as undelivered because the petitioner had vacated the said residential property. In 1997, for the first time *vide* letter dated 15.07.1997 the petitioner informed the respondent regarding the change of his residential address from “*H.No 35/C MIG Flats, Phase 3 Pocket-C-Ashok Vihar, Delhi- 52*” to “*ED-43-C, MIG Flats, Pkt.C, Ashok Vihar, Pitampura, Delhi*”. Thereafter, the petitioner raised multiple representations before several authorities for change of residential address but to no avail. Though the letter dated 06.03.2000 mentioned the letter dated 15.07.1997, however, the letter of 15.07.1997 is not on record. Hence the first letter informing the respondent about the petitioner’s change of address filed before the Court is dated 06.03.2000. The letter dated 06.03.2000 reads as under:



The Deputy Director (Hos.)
Delhi Development Authority
Vikas Sadan
NEW DELHI

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विकास प्राधिकरण
विकास मन्त्रालय
नई दिल्ली
कम सं. व तिथि: 23/7/2000
आपका पत्र सं. के हस्ताक्षर

Sub: IVTH REGISTRATION SCHEME OF MHA PATNAM 1979 (HUDA)

Ref: Registration No. 6353 dt 10-9-79, Receipt No.
1354-135350 for Rs. 4500/- Seniority No. 17997
File No. 41/773/94/DW

Dear Sir;

It is submitted that I had sent a letter on 15-7-97, a photostat copy of which is enclosed once again for your ready reference. I had requested to change my address:-

From H.No. 35/C, MIG Flats Phase III PKT C Ashok Vihar Delhi-52 to be amended to read as under:-

' VIJAY KUMAR BAHL
ED-43-C, M.I.G. FLATS NEAR MADHUBAN CHOWK
PITAMPURA
DELHI - 110034.'

I have however not received your confirmation letter about the same. Kindly confirm that the address in my records has been amended as requested. I may also kindly be intimated the position of allotment of the flat under the above mentioned scheme. Quite a long time has passed and I hope my turn should have come by now.

You are ther fore requested to kindly confirm about the position of the Flat and also please confirm that my address has been changed in the records.

Thanking you.

Encl: one + return card (photo copy)

Yours faithfully

DATED: 6-3-2000

(VIJAY KUMAR BAHL)
ED-43C, M.I.G. Flats
Near Madhuban Chowk
Pitampura
DELHI - 110034

5. The petitioner was informed by the respondent, subsequently, to make representation to the respondent for cancellation of his allotment. After several representations being made before several authorities, on



30.08.2012, the respondent instructed the petitioner to deposit ownership proof of his residential and the occupational properties. The required documents were duly furnished by the petitioner.

6. Ultimately, the respondent *vide* letter dated 10.6.2013 informed the petitioner that N.P.R.S., 1979 has been closed in November, 2012 and hence, his request for allotment of flat has been rejected by the competent authority.

7. Hence, the present petition has been filed before this court.

8. Ms. Vishnoi, learned counsel for the petitioner, states that in the present case, no show cause or cancellation notice or no opportunity of personal hearing was afforded by the respondent. Moreover, the show cause and cancellation notice also were not issued at both the addresses of the petitioner, which were available with the respondent on their official file and hence, the petition needs to be allowed.

9. Mr. Singh, learned counsel for the respondent, raises the objection the case of the petitioner is barred by delay and laches. The petitioner was aware of the allotment in the year 1994 and despite being fully aware and despite making a representation in the year 2004, the petitioner has only approached the court in the year 2013.

10. He further draws my attention to a letter dated 07.10.2005 and states that the letter clearly shows that the respondent had accordingly informed the petitioner to apply for return of the registration money. Hence, by implication as well, the allotment had been cancelled. The said letter was addressed at “1/27, Nicholson Road, Kashmere Gate, Delhi-6”, which is the occupational address of the petitioner which reads as under:



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

No. M041(1773)94/Dw/NP/ 4750

Dt 7-10-05

TO

Sh. Vijay kumar Bahal
1/27, Nicolson road
Kashmere Gate
Delhi-110006.

Sub: Allotment of MIG flat against his registration no. 6853-NP-79.

Sir,

Kindly refer to your letter dated 4.7.05 on the subject mentioned above. In this connection I am directed to inform you that your request has been examined by the competent authority but could not acceded to. You are therefore, requested to apply for refund of registration money alongwith the all original documents pertaining to the registration.

Your faithfully

Asstt. Director
MIG(H), DDA

6/10/05

11. I have heard learned counsels for the parties and perused the material on record.



12. The observations of the Division Bench of this Court in ***D.D.A. vs. Mahinder Pal Sikri*** passed in ***LPA No.743/2013*** are relevant and read as under:

“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.”



13. A perusal of the aforesaid paragraphs shows that the respondent is under the obligation to issue notices to all the addresses available on the record file of the respondent.

14. In the present case, the registration receipt dated 10.09.1979 and the registration certificate dated 28.03.1980 clearly shows that both occupational and residential addresses of the petitioner, i.e., “1/27, Nicholson Road, Kashmere Gate, Delhi-6” and “H.No.35/C, MIG Flats, Ph-III, Pkt.-C, Ashok Vihar, New Delhi- 110052” respectively, were available with the respondent.

15. The notice dated 01.03.1996, handed over in court today, clearly shows that the same was only addressed to the residential address and not the occupational address. The same is reproduced below:

“DELHI DEVELOPMENT AUTHORITY

NO. Mo 41 (773) 94/DW/NP

FROM ASST DIRECTOR (H)

D.D.A.

New Delhi

To : Sh. Vijay Kumar Bahl

H.No 35/C MIG Flats, Phase 3

Pocket-C-Ashok Vihar, Delhi- 52

NOTICE

1. Whereas you have been allotted a MIG flat bearing No. 373 in Sector 19 Pkt. 3 Phase I at Second floor in Dwarka (Scheme) Delhi/New Delhi against Registration No. 6853



under Registration Scheme for New Pattern, 1979 under the Delhi Development Authority (Management & Disposal of Housing Estates) Regulations, 1968, through draw of lots held on 21-3-94.

2. And whereas it was mandatory on your part to pay the demanded amount and to furnish the required documents by 7-10-94 in accordance with the terms & conditions as stipulated in the Demand-cum- Allotment letter dt. 5-7-94-9-7-94.

3. And whereas you have not deposited the said amounts and failed to furnish the required documents mentioned at S. No.____ of the Demand-cum-allotment letter within the stipulated period and thus, committed a breach of terms & conditions of the aforesaid demand-cum-allotment letter.

4. Now, therefore, I Padam Singh, Asst. Director (H), DDA hereby call upon you to show cause, within 15 days from the date of issuance of this letter as to why the allotment of the aforesaid flat be not cancelled for breach of terms & conditions of allotment. If no reply is received within the above period, the allotment of flat shall be cancelled without any further reference to you and the amount of regn. after deducting _____ will be refunded to you in terms of clause of the terms/condition of the allotment letter dt. 5-7-94-9-7-94 (Pl. strike whichever is in applicable).

Asst. Director (H) ”



16. Similarly, the cancellation letter dated 16.05.1996 is also not addressed to the occupational address of the respondent. The same reads as under:

“DELHI DEVELOPMENT AUTHORITY

HOUSING/MIG

F 41 (773) 94/DW/NP)

Dated: 16.05.96

*Sh. **Vijay Kumar Behl***

H.No 35/C MIG Flats, Phase 3

Pocket-C-Ashok Vihar, Delhi- 52

*Sub : Cancellation of flat No. 373 Pocket 3 Dwarka, (MIG),
Sector _____ in Residential Scheme.*

Sir/Madam,

Kindly refer to your letter dated _____ vide which you have requested for cancellation of above said flat and further requested for registration kept alive for further allotment.

In this connection, I am directed to inform you that due to non payment/non submission of documents registration/allotment have since been cancelled as per your request. As far as your request to keep registration kept alive for further allotment, it is to inform you that same cannot be acceded to per policy.

You are therefore advised to kindly surrender your all the original documents, i.e., F.D.R. in original duly discharged



by affixing 1.00 Revenue Stamp, registration card in original and 4th copy of challan so that your case for refund of earnest money can be processed.

Yours faithfully
Asstt. Director (MIG)

N.P. (H)”

17. The representation of the petitioner dated 29.04.2004 is reproduced below and reads as under:

*“The Vice Chancellor,**1496-C*
*Delhi Development Authority,**29.04*
Vikas Sadan,
Delhi

Subject: “For registration scheme of New pattern (1979)
(HUDDCO) Reg. No. 6853 dt. 10.09.79 receipt No. 135350
of Rs. 4550 SNRT No. 17997
File No. 41/773/94/Dwarka

Sir,

Once again I have come with a request to go through my case which is still outstanding even after gone for a number of transactions with the concerned dept.



The brief summary of the case is once again given below for ready reference please:-

Acknowledgment receipt of Rs. 4500/- and the information to collect the registration from DDA was received by us on 29.02.80 at our postal address (correspondence address) 1/27., Nicholson Road, Kashmiri Gate. Certificate of registration was received with our old residential address on 29.03.80. But the correspondence address was same as mentioned above, as we are living in a rental house. Draw was held on 09.07.1994. I was unaware of it as I was out of station at the time due to my professional tour.

Any letter of allotment might have been sent on our old residential address instead of our postal address which was never received by us because we have changed our residence and shifted to Pritampura by that time. It came to my notice in June, 1997, when next draw of DDA was held since then I am in contact with DDA. A lot of oral conversation had gone with the concerned dept. And I submitted a reminder and a change of residential address to the concerned department as advised by dept. people.

Since that day, a game of hide and seek is being going on with me. Every time I was given the assurance of solving the case by concerned person of the dept. After 3 years, again I have a written note to them but in vain. No reply was received by me. Once again I gave a request to kindly reconsider my case in the upcoming scheme of adults in



Dwarka itself just to transfer our priority to any other draw. Once again a draw of DDA flats of (1979) came to my notice in the newspaper. On 19th March, 2004, again I came to DDA office to make one more request. Here I came in contact with public officer who was a good favour and suggested me to meet your excellence. Sir, on Wednesday and once again I am here with a new hope and positive response from your side.

Thanking you.

Sincerely Yours

Vijay Kumar Bahl

Usha Bahl (Wife)''

18. A perusal of the aforesaid representation clearly shows that the same is only seeking an audience from the respondent and does not indicate that the petitioner was aware of the cancellation made by the respondent. Additionally, the respondents have time and again called the petitioner for personal appearance with all the documents. If the allotment already stood cancelled there was no requirement to call the petitioner as late as on 25.04.2012 with the documents showing his address.

19. The documents on record do not seem to suggest that the respondent indicated or that the petitioner knew that the allotment of the petitioner had been cancelled. Even the letter dated 07.10.2005 shows that the petitioner was to requested to apply for refund of the registration money and there was no mention of the cancellation letter.

20. It was only on 10.06.2013 that the petitioner was informed that his request of allotment of flat has been rejected by the authority on account of



closure of the said scheme. Thereafter, the petitioner has approached this court through the present petition. In view of the above, it is evident that the petitioner approached the court immediately on becoming aware of the cancellation and the petition is not barred by delay and laches.

21. Further, the alleged cancellation notice dated 16.05.1996 issued by the respondent has not been sent to both the addresses, i.e. residential and occupational, as provided by the petitioner. As held in, ***Mahinder Pal Sikri (supra)***, the respondent while issuing a cancellation notice is under an obligation to send the same to all the address available with the respondent. It is an admitted fact that the occupational address of “1/27, Nicholson Road, Kashmere Gate, Delhi-6” was available with the respondent and also that the show cause notice and cancellation notice was not sent on this address.

22. For the said reasons, the petition is allowed and the respondent is, hereby, directed to allot an alternate flat to the petitioner in accordance with law.

23. It is directed that a similar flat in terms of his entitlement be allotted to the petitioner. The payment for flat allotted shall be made as per the applicable rate on the date of filing the writ petition, i.e., 30.10.2013 as held in paragraph No. 18 of the judgment of ***Mahinder Pal Sikri (supra)***, which reads as under:

“18. Equally, the holdings in the various decisions on the appeal present that that the payment for the plot will be made as per the price on the date of filing the writ, and not as per the Circular dated 13.10.2011, cannot be faulted, given the established principle to the effect that the clock in terms of the price to be paid stops at the time of approaching the Court for



the appropriate remedy, and the matter at that point rests with the Court and not in the hands of the writ petitioners.”

24. The calculation shall be given within 4 weeks from today and the petitioner shall make the payment and submit documents for verification within 4 weeks thereafter. The allotment shall be made as per the policy of the DDA.

25. The petition is disposed of with pending applications, if any.

JASMEET SINGH, J

JANUARY 15, 2026/AS

(corrected and released on 22.01.2026)