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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 16.04.2026

+ **W.P.(C) 70/2013**
DHARMA NAND

.....Petitioner

Through: Mr. R. K. Saini & Mr. Abhishek,
Advs.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Mr. Gaurav Dua along with
Mrs. Ayushi Tyagi, Advs.

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) A Writ of Certiorari calling for the records of the case for perusal;

b) A Writ of Certiorari quashing the action of the respondent/DDA in canceling the allotment of the allotted flat without serving the allotment cum demand letter in respect thereof upon the Petitioner and thereafter, refusing to allot an alternative flat in the same area/ zone, being illegal, arbitrary, discriminatory, unjust and without jurisdiction and in violation of the Rules, Regulations and Policy and the Principles of Equity, Justice and Good Conscience;

c) A Writ of Mandamus directing the DDA to forthwith allot



an alternative LIG flat to the Petitioner in the same area / zone, where the Petitioner was allotted the flat earlier i.e. Dwarka by way of a mini draw and issue him the allotment cum demand letter in respect thereof at the old cost + interest (limited to current cost) and give him possession of the same immediately after payment and also execute the conveyance deed. . . .”

2. The brief facts of the case are that the petitioner was registered with the respondent No. 1 i.e., Delhi Development Authority (**“DDA”**) under the New Pattern Registration Scheme (**“NPRS”**) vide application No. 37837 for allotment of an LIG Flat.
3. At the time of registration, in the registration form, the petitioner furnished his address as 50/90, Raja Bazar, New Delhi-110001, where he resided at that relevant time.
4. Since the petitioner was working in Northern Railways at that time, the occupational address was also furnished in the form as C/o Sr. Electrical Foreman, Air Conditioned Coaches, Northern Railways, New Delhi.
5. In 1983-1984, the petitioner shifted his residence to F/38-A, Gali No. 4A, Poorvi Vinod Nagar, Delhi-110091 and the DDA was duly informed of the change of address by the petitioner.
6. The petitioner in the year 1999 was put in draw of lots by the DDA and was allotted Flat No. 473, Second Floor, Pocket-2, Sector 14, Dwarka, Delhi. Pursuant thereto, a demand-cum-allotment letter dated 30.03.2000 to 13.04.2000 was issued.



7. As per the respondent DDA, the demand-cum-allotment was sent to the petitioner at his changed/updated address i.e., F-38/A, Gali No. 4A, Poorvi Vinod Nagar, Delhi-110091 and was presumed to have been served upon the petitioner as the DDA did not receive the postal envelop back marked as undelivered.
8. On the other hand, the petitioner's case is that the petitioner was never served with the demand-cum-allotment letter and it was only in December, 2012 that the petitioner came across a public notice dated 22.11.2012 issued by the DDA regarding the NPRS Scheme allotments stating that allotments have been made to all the registrants under the said scheme and no allotment is pending. Thereafter, the petitioner approached the DDA.
9. The petitioner made a representation to DDA stating that demand-cum-allotment letter dated 30.03.2000 to 13.04.2000 was not received by him but to no avail. Hence, the present petition has been filed.
10. I have heard learned counsels for the parties and perused the documents available on record.
11. Mr. Dua, learned counsel for the respondent, contends that the demand-cum-allotment letter was issued to the petitioner at his address, the same was not received back undelivered and hence, the respondent concluded that the petitioner was duly served. As, the petitioner, despite service of demand-cum-allotment letter, chose to sleep over his rights, now he cannot claim allotment.
12. He also contends that question whether the demand-cum-allotment letter was received or not is a disputed question of fact for which detailed



appreciation of evidence will be required and hence, the present petition cannot be entertained.

13. He further relies on Section 114 illustration (f) of the Indian Evidence Act, 1872, (Section 119 illustration (f) of the Bharatiya Sakshya Adhiniyam, 2023) to state that there is a presumption which operates in favour of the respondent as once the demand-cum-allotment letter dated 30.03.2000 to 13.04.2000 has been sent at the address of the petitioner, it may be presumed by the Court that in common course of business where usual course of post is not interrupted, the common course has been followed and the letter has been duly served.
14. I am unable to agree with this contention of the petitioner as the Hon'ble Division Bench of this Court in paragraph No. 17 of the judgment dated 28.11.2013 passed in **LPA 743/2013** titled **D.D.A. vs. Mahinder Pal Sikri** has made the following observations:

“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."

15. Even though the facts in the aforesaid judgment are a little different as in that case the demand-cum-allotment letter was undelivered/not even sent to the new changed address (informed to DDA). I am of the view that the principle enunciated in the said judgment would apply to the facts of the case of the petitioner.
16. I am of the view that once it is on record that the DDA had two addresses of the applicant i.e., residential and occupational, it is the duty of the DDA to send demand-cum-allotment letters at both the given addresses otherwise the whole purpose of an application having columns for two addresses would be rendered redundant.
17. The requirement to furnish two addresses namely, the residential and occupational addresses in the registration form is not a mere formality or an ornamental requirement. The purpose of such a practice is aimed to ensure that the applicant is sent every communication regarding his/her allotment and every attempt is made to effectively serve the said communication upon the applicant. The residential address usually reflects the place where the applicant primarily resides and the



occupational address indicates a place of business or a place where the applicant carries on his/her occupation. To my mind, by recording both the addresses, the DDA is obliged to send demand-cum-allotment letters to both addresses, thereby reducing the likelihood of the applicant missing out on such an important communication as for a large section of Indian population including the petitioner, a house represents the fulfilment of a long held aspiration of having a permanent roof over one's head.

18. I am of the view that the failure of DDA to utilise all available recorded addresses not only frustrates the purpose of collecting such addresses but also undermines the principles of fairness and due process, which at the very least demands that communication of such a letter having decisive bearing on important rights of an individual needs to be communicated in a reasonable and effective manner. Accordingly, in order to ensure that no prejudice is caused by the non-receipt, it is important that the DDA should have sent the demand-cum-allotment letter to both the addresses.
19. In the matter of *Rajbal Singh Rathie v. DDA, 2013 SCC OnLine Del 1594*, a Coordinate Bench has made the observation that the responsibility is vested with the DDA to show that the demand-cum-allotment letter was actually served upon the petitioner. For the said reasons, a certificate of post office, registration acknowledgment due card, etc. or some proof should be filed by the DDA. Hence, the reliance of the respondent on illustration (f) of Section 114 of the Indian Evidence Act, 1872 (Section 119 illustration (f) of the Bharatiya Sakshya Adhiniyam, 2023) is also misconceived.



20. In the absence of the same, the requirement to serve notice on both the addresses becomes even more imperative.
21. Due to non-service of the aforesaid letter, the petitioner has been divested of a valuable right which cannot be done away in a cursory manner and/or in a summary manner.
22. Since the scheme is of the year 1979, I am conscious that the said flats may not be available. For the said reasons, I am of the view that, in accordance with paragraph No. 18 of ***Mahinder Pal Sikri (Supra)***, the respondent shall allot similar flat at similar rate as the rate applicable on the date of filing of the petition.
23. If no rates are available for the said year, the rates of similar flats shall be scaled up (if for the previous years) or scaled down (if for subsequent years).
24. The petition is disposed of in the aforesaid terms, along with pending applications, if any.

JASMEET SINGH, J

APRIL 16, 2026 / (MS)

(Corrected and released on 29.04.2026)