



2026:DHC:8675



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* IN THE HIGH COURT OF DELHI AT NEW DELHI
CNR No. DLHC010081162019

Date of decision: 30.09.2026

+ **W.P.(C) 751/2019**

BASANT LAL JAIN

.....Petitioner

Through: Mr. Anil Kumar Sharma, Mr. Manish
Jain, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Shahana Farah, ASC

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 for calling the records of the respondent and quash the cancellation letter of the flat No. 106, 3rd Floor, Sector-14, Pkt. B, Phase-2, Dwarka, if any, issued in favour of the petitioner and a writ of mandamus directing the respondent /DDA to restore/re-allot the aforesaid flat to the petitioner or in the alternative any other flat in the same locality under the new Pattern Housing Registration Scheme, 1979....”

2. The brief facts of the present case are that the petitioner had applied for a flat with the respondent under the New Pattern Housing



2026:DHC:8675



Registration Scheme, 1979. Thereafter, on 25.09.1979, the petitioner had deposited Rs. 4,500/- towards payment of a house/flat under the aforesaid Scheme and pursuant thereto, on 21.05.1980, the respondent had issued a certificate of registration in the name of the petitioner and registered the petitioner at Serial No. 20284.

3. The case of the petitioner is that he did not get any intimation from the respondent with regard to the allotment and on enquiry, he came to know that the flat allotted to him had been allotted to some other person. Thereafter, he wrote several letters to the concerned authorities asking for allotment of a flat in his name.
4. On 29.10.2007, the respondent informed the petitioner for the first time that the allotment of flat in petitioner's name has been cancelled on account on non-payment of the cost and the flat was re-allotted to some other waitlisted registrant. Therefore, the instant petition has been filed.
5. Ms. Farah, learned counsel for the respondent/DDA, opposes the petition on delay and laches and states that the Court need not go into any further issue and only once the petitioner crosses the threshold and explains the reasons why the petitioner had been sleeping over his rights, the Court should examine the merits of the controversy.
6. My attention has been drawn to the Annexure P-11 i.e. letter dated 29.10.2007 which clearly shows that the petitioner was aware that the allotment of flat in his name has been cancelled. The said letter reads as under:-



2026:DHC:8675



**DELHI DEVELOPMENT AUTHORITY
HOUSING DEPARTMENT (MIG)**

**D- BLOCK, 2ND FLOOR, VIKAS SADAN,
INA, NEW DELHI-110023**

No. F.41(05)/99/DW/NP/3462

Dated: October 29-10-2007

29-10-7

From: Dy Dir. (MIG)H

To: Shri Basant Lal Jain,
17/29, Shakti Nagar, Delhi-7

Subject: Regarding allotment of flat.

Sir,

Please refer to your letter addressed to the followings on the subject cited above:-

1. PMO's letter No. 1/23/2007-PMP-1/2834 dated 10.8.07 received from Section Officer, PM's Office New Delhi-110011.
2. Letter No. PS/Secy./ILEELBM/2007/2007/3168 dated 24.8.07 received from Secretary, Ministry for Industrial, Labour, Employment, Election and Land & Building, GNCTD, Room No. A-711, Delhi Sectt. Inderprastha Estate, New Delhi-110002.
3. PGC/2007/101537 dated 17.8.07 received from Dy. Secy. (PG), GNCTD, PG Cell, Delhi Secretariat, Inderprastha Estate, New Delhi-110002.
1. Letter dated 6.8.07 of Shri Basant Lal Jain addressed to Smt. Sheela Dikshit, Chief Minister, GNCTD, New Secretariat, ITO, New Delhi-110002 regarding allotment of a flat.
2. Letter dated 6.8.07 of Shri Basant Lal Jain addressed to Shri Tajender Khanna, LG, Delhi, 6, Raj Niwas Marg, Delhi-110054 regarding allotment of a flat.

In this regard it is to inform you that against your MIG registration under New Pattern Registration Scheme-1979 you were allotted a MIG flat No. 106, Third Floor, Sector-14, Pkt. B, Phase-2, Dwarka through the computerised draw held on 15.9.98. The demand-cum-allotment letter dated 20.2.99-24.2.99 was sent to you at your last available Residential Address "17/29, Shakti Nagar, Delhi-7 and Occupational Address "10502/2, Bagichi Allaaddin, Motia Khan, New Delhi-55, but the same was returned as undelivered with the postal remarks "Shifted" and "No such person" respectively.

The last date of making the payment as per allotment letter was 25.9.99, therefore, after expiry of the same, the allotment was cancelled by the competent authority.

Contd.....2.



2026:DHC:8675



The request for restoration of allotment was examined by the competent authority, but it is regretted that the same cannot be acceded to.

Since the allotment of flat under reference has already been cancelled on account of non-payment of the cost and the flat was re-allotted to some other wait listed registrant, the request of the applicant for allotment cannot be acceded to. Therefore, Shri Basant Lal Jain is now entitled only for refund of registration money as per policy, by furnishing all the original documents.

Yours faithfully,

Dy. Dir. (MIG)H

Copy for information to:

1. The Section Officer, Prime Minister's Office, New Delhi-110011- w.r.t. the letter No. 1/23/2007-PMP-1/2834 dated 10.8.07.
2. The Secretary, Ministry for Industrial, Labour, Employment, Election and Land & Building, GNCTD, Room No. A-711, Delhi Sectt. Inderprastha Estate, New Delhi-110002- w.r.t. the Letter No. PS/Secy./ILEELBM/2007/2007/3168 dated 24.8.07.
3. Dy. Secy. (PG), GNCTD, PG Cell, Delhi Secretariat, Inderprastha Estate, New Delhi-110002.w.r.t. the letter No. PGC/2007/101537 dated 17.8.07- for information and deleting the reference.
4. PS to Chief Minister, GNCTD, New Secretariat, ITO, New Delhi-110002 regarding allotment of a flat.
5. Addl. Secy. to LG, Raj Niwas, Delhi-110054- w.r.t. LG's office Diary No. 5328-P dated 6.8.07.
6. Asstt. Dir. (VC), DDA, w.r.t. VC's office diary No. 2599-C dated 8.8.07, 2269-DA dated 23.8.07.2315-DA dated 27.8.07 and 136-PMO dated 20.8.07- for information and deleting the references.

Dy. Dir. (MIG)H



7. I have heard learned counsels for the parties.
8. The law of delay and laches has been crystalised. The Supreme Court in *Mrinmoy Maity v. Chhanda Koley*, (2024) 15 SCC 215, on the said issue categorically held as under:

“9.An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be borne in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a



straitjacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.

11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, inasmuch as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court.”

(Emphasis added)

9. The law on power of this Court to dismiss a writ petition on ground of delay and laches alone is well settled. When any individual belatedly



approaches the writ court after sleeping over his/her rights for a long time, such person has no right to the extraordinary relief of writ. Definitely, there is no fixed period of limitation prescribed for filing of a writ petition and hence, such discretion must be exercised with utmost caution and should be used as per peculiar facts and circumstances of each case. However, it does not mean that the extraordinary jurisdiction of the writ court can be used to revive or resurrect a dead cause of action and if the writ petitioner is guilty of delay and laches, this Court has the discretion and power to dismiss the petition on that sole ground itself.

10. In my considered opinion, the present case is such case. There is no satisfactory explanation except the ground 'e' of the petition which reads as under:-

“e. Because the Petitioner after receiving the letter dated 29.10.2007 approached the respondent officials and was told that cases of this nature would be taken at the end under the "Tail -End Policy", so the petitioner was advised to wait. When the petitioner did not receive any communication from the Respondent in the year 2009, the Petitioner contacted one advocate at Delhi High Court to file a case, and copies of the documents were handed over to him and the petitioner was assured that he would file a case before the Hon'ble High Court of Delhi. After waiting a period of one month the petitioner contacted the advocate on phone he was told that he had filed a case against the DDA and notices have been



issued. The petitioner was in awaiting the decision of the case, keep trying contacting the lawyer on phone, however, the phone was switched off. The petitioner waited a long and came to know that his case was not filed and in the year 2015-16 the petitioner became ill and could not contacted any lawyer. Thereafter, the petitioner came to know that in same kind of cases many persons have got the flats. The petitioner contacted the present lawyer. Hence, the present petition.”

11. Admittedly, the Letter was sent to the petitioner cancelling the allotment of flat in her name on 29.10.2007.
12. Except for the fact that the petitioner had asked a lawyer to file his case and only found out in 2015-16 that his case was still not filed and that he subsequently fell ill and came to know that other persons in similar kinds of matters had got the flats, no satisfactory reason has been given as to why the petitioner waited for a period of almost 12 years to initiate any legal proceeding.
13. This period of almost 12 years from communication by respondent to the petitioner cancelling the allotment of flat in his name to filing of this writ petition is inexcusable and unexplained and definitely does not fall under exceptional situation which gives rise to the invoking of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The cause of action for filing the present petition in 2019 was dead and long gone.
14. Hence, I am of the view that the present petition is hopelessly barred by limitation and no justifiable reason has been given by the petitioner



2026:DHC:8675



for the inordinate delay.

15. In view of the aforesaid, the present petition is dismissed.

JASMEET SINGH, J

SEPTEMBER 30, 2026 / (MS)

(Corrected and released on 01.10.2026)