

(2010) 07 DEL CK 0369

Delhi High Court

Case No: LPA 475 of 2010

Vilait Jafri

APPELLANT

Vs

Delhi Development Authority

RESPONDENT

Date of Decision: July 16, 2010

Hon'ble Judges: Dipak Misra, C.J; Manmohan, J

Bench: Division Bench

Advocate: Dilip Singh, for the Appellant; Rajiv Bansal, for the Respondent

Final Decision: Dismissed

Judgement

Manmohan, J.

CM 12252/2010

Allowed, subject to all just exceptions.

Accordingly, application stands disposed of.

CM 12253/2010

This is an application for condonation of delay of 40 days in filing the appeal.

For the reasons stated in the application, delay of 40 days in filing the appeal is condoned.

Accordingly, application stands disposed of.

LPA 475/2010

1. The present Letters Patent appeal has been filed challenging the judgment dated 26th April, 2010 passed by the learned Single Judge in W.P. (C) No. 1753/2010

2. By the impugned order, learned Single Judge has dismissed the appellant's writ petition on the ground of delay and laches.

3. The learned Single Judge has observed as under:

8. Whereas in this case petitioner became aware of the allotment in the year 1994 and thereafter slept over the matter and filed this petition only in the year 2010.

9. The writ petition shows that petitioner had approached the DDA in the year 1994 as also in the year 2000 and 2005, but he did not get any satisfactory answer.

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11. Taking into consideration that the petitioner gained knowledge of the allotment in his favour in the year 1994 there is no satisfactory explanation, except the submission that when the petitioner approached the DDA he was informed that policy decision is also to be taken in the matter and he would be informed about the same. In the absence of any satisfactory explanation for the delay in approaching this Court, I find no merit in this petition. Dismissed.

4. The admitted facts are that the appellant had in 1981 registered himself with DDA's for allotment of a MIG category plot. Though according to DDA, appellant was intimated in 1991, that he had been allotted a plot in the Rohini Scheme, appellant claims that he did not receive the said communication. However, appellant admits that he became aware of the allotment in the year, 1994.

5. Mr. Dilip Singh, learned Counsel for appellant contended that there was no delay in filing the Writ petition as the appellant had been repeatedly making representation to the respondent/Delhi Development Authority and was waiting for their response. He further stated that as Delhi Development Authority's Rohini Scheme is still open, appellant should be allotted a MIG category plot.

6. In our opinion, if the appellant became aware of the allotment in the year, 1994 and if there were some issues with DDA, he should have asserted his legal right within a reasonable time period. We agree with the learned Single Judge that in the event, this Court were to entertain the appellant's Writ petition after a lapse of 16 years, it would not only create confusion but also cause public inconvenience and inflict hardship and injustice to third parties who were in the waiting list.

7. Consequently, the present appeal being devoid of merits is dismissed in limine but with no order as to costs.