



2026:DHC:8068



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

CNR No. DLHC011917012012

Date of decision: 10.09.2026

+ W.P.(C) 7501/2012

SHASHI BAL BANSAL

.....Petitioner

Through: Ms. Pratiti Rungta, Advocate

versus

DDA

.....Respondent

Through: Ms. Shobhana Takiar Standing
Counsel for DDA with Mr. Shivam Takiar, Mr.
Prateek Dhir, Mr. Kuljeet Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

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

W.P.(C) 7501/2012

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

“A) Allow this writ;

B) Issue a writ of certiorari or any other appropriate writ order or direction thereby calling for the records relating to the allotment of flat to the petitioner vide file no.I015(947)93/RO/NP, examine the same and declare that non-furnishing of demand letter in respect of the allotment



of either flat no.6 in pkt -13, sector-21 Rohini, Delhi to the petitioner as mentioned in show cause notice dated 20.9.93 or flat no.44 in pkt-13, sector-21, Rohini, Delhi as stated in subsequent letter dt. 4.8.95 is illegal and does not disentitle the petitioner to seek allotment of either the flat allotted to her in terms of the said communications or any other LIG flat against her registration under NPRS 1979 vide registration no.55451

C) issue a writ of mandamus or any other appropriate writ order or direction thereby directing the respondent to allot a LIG Gr-II flat as per her entitlement in terms of her registration under NPRS 1979 on the old cost when the priority of the petitioner was matured and she was allotted either of the said flats but demand letter in respect thereof was not delivered to the petitioner or issue the demand letter dt. 8.4.93 - 13.4.93 to the petitioner in respect of the said flat on the same cost as mentioned in the said demand letter and further direct to allow the payment of the demanded amount in higher purchase mode as opted by the petitioner in her application for registration under NPRS 1979 instead of cash down basis.

E) Award the cost.....”

2. The brief facts of the case are that the DDA floated a Scheme for allotment of LIG flats called NPRS 1979 and the petitioner, on 01.07.1980, registered herself under the Scheme.
3. The case of the respondent, as stated by the petitioner, is that the



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respondent had allegedly sent a demand-cum-allotment letter, which was returned undelivered with an endorsement that the same may be served at the occupational address of the petitioner, namely, Chamber No. 53, Tis Hazari, Delhi. The demand-cum-allotment letter was also not served at the occupational address. Subsequently on 20.09.1993, the petitioner received a show cause notice for cancellation of the allotment.

4. The petitioner duly replied to the show cause notice stating that she had not received the demand-cum-allotment letter and requesting that a copy thereof be furnished to her so as to enable her to make the requisite payment.
5. The petitioner reiterated the aforesaid request in the year 1998. It was stated that, from the year 1996 to 2006, the petitioner continued to visit the office of the respondent seeking possession of the flat.
6. On 25.02.2005, the DDA issued a fresh policy, for allotment of flats in those cases where either the demand letter was sent on the wrong address or the priority of the registrant was missed in the matter of the allotment of flats.
7. It was further stated that, on account of undergoing surgeries, the petitioner was unable to pursue and consequently, filed the present writ petition in the year 2012.
8. My attention has been drawn to Annexure-D which reads as under:-



13th April, 1994

To

The Deputy Director (H),
LIG/NP/DDA,
IInd Floor, D Block,
Vikas Sadan, INA,
New Delhi.

REF: Your Notice dated 20.9.1993.

Dear Sir,

In reply to your above said notice I had written to your goodself on 29.9.1993 that I have not received your demand-cum-allotment letter dated 13.4.1993 referred by you in your abovesaid notice and requested that the same may be supplied to me.

I personally met your goodself to get the demand-cum-Office allotment letter but I was told that the matter would be placed before the Higher Authorities and you have no authority to give me the same as you have now issued me the show cause notice as to why the allotment of my flat may not be cancelled for breach of terms and conditions of allotment.

I explained to you that some registry from your office was sent to my residence, and since I am a practising lawyer, I happened to be in courts the same was not delivered by the Postman at my residence. However my Bhabhi told him to send the same at my official address at Chamber No.533, Western Wing, Tis Hazari, Delhi.

Thereafter I visited the Patel Nagar Post Office as well as post Office at Old Secretariate. I was told from Patel Nagar New Delhi Post Office that the post man will return the same and the same would be served to you through old Secretariate Post Office.

The dealing Assistant DDA told me that the letter was not sent to my office at Chamber No.533, Western Wing, Tis Hazari Delhi, as has been told by my bhabhi.

Contd..2/-



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I was also told by him that a sum of Rs.3.26 lakhs as the price of flat was to be paid within 90 days i.e. by 12.7.1993 and now if I am still interested in the flat, I should pay the same together interest @ 18% p-a. on that i.e. about Rs.21,000/- more in addition to Rs.3.26 lac.

I personally visited your goodself in January, 1994 for getting the demand letter but I was told that I would receive the same in due course.

I have not yet received the demand letter till date. I would request once again that the same be sent to me at my office at Tis Hazari, Delhi by registered post within 15 days from the receipt of this letter failing which I shall be left with no alternative but to launch legal proceedings in the competent court of law at your risks and costs.

Shashi Bala
(SHASHI BALA)
ADVOCATE.

9. My attention has also been drawn to a letter dated 04.08.1995, which reads as under:-



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दिल्ली विकास प्राधिकरण
DELHI DEVELOPMENT AUTHORITY

विकास सदन

VIKAS SADAN

आई. एन. ए.

I. N. A.

नई दिल्ली

New Delhi-23.....

4/8/95

May 1995

No. F.15(947)/93/RO/NP

To

Mrs. Shashi Bala Bansal,
Advocate,
E-11, Green Park Extn.,
New Delhi.

Madam,

With reference to your letter dated 13.4.1994 about supply of demand-cum-alotment letter issued to you in April, 1993 in respect of LIG flat bearing No. PH 3 S-21, PK 13 GR II No.44, First floor, it is to inform you that no revision of dates can be allowed at this stage. However, if you are still interested in this allotment, you are advised to apply for the same for restoration of the allotment which will be subject to payment of restoration charges and interest charges as admissible.

In case no reply is received within 15 days from the date of receipt of this letter, it will be presumed that you are no more interested in this allotment and action to cancel the allotment of the flat will be taken without further reference to you.

Yours faithfully,

207769
Director (Housing) Delhi Development Authority.



10. A perusal of the aforesaid two letters clearly demonstrates that as far back as in 1994 the petitioner was aware that the demand-cum-allotment letter has been issued to her. Even assuming that the petitioner had not received the said letter; she ought to have approached the Court within 3 years from the said letter.
11. The petitioner's visits to the office of the respondent or her expectation of a policy being formulated in 2005 cannot by themselves furnish a fresh cause of action to justify the filing of the present writ petition in 2012. Even assuming that the respondent had introduced a policy in 2005 for registrants who had not received the demand-cum-allotment letter and the petitioner was covered under the said policy, the petitioner's inaction from February, 2005 until November, 2012 i.e. for a period of more than seven years, remains wholly unexplainable.
12. Further, the petition is bereft of any particulars with regard to the two surgeries, duration etc. The same are mere averments without any supporting particulars.
13. In this view of the aforesaid circumstances, I am firmly of the view that the petition is barred by the delay and laches and the petitioner has slept over her rights for inordinate period of time.
14. The law on delays and laches has been settled by the Hon'ble Supreme Court in *Banda Development Authority v. Moti Lal Agarwal*, (2011) 5 SCC 394, wherein it was held as under:-

“17. It is true that no limitation has been prescribed for filing a petition under Article 226 of the Constitution but one of the several rules of self-imposed restraint evolved by the superior



courts is that the High Court will not entertain petitions filed after long lapse of time because that may adversely affect the settled/crystallised rights of the parties. If the writ petition is filed beyond the period of limitation prescribed for filing a civil suit for similar cause, the High Court will treat the delay unreasonable and decline to entertain the grievance of the petitioner on merits.”

15. Further, the Hon’ble 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.”



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*(Emphasis added)*

16. 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.
17. 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.
18. In my considered opinion, the present case is such a case. The petitioner was aware since 1994, that the demand-cum-allotment letter had been issued in her favour. Even assuming that the said letter was not actually received by the petitioner, no satisfactory explanation has been furnished as to why she did not approach the Court within a reasonable period thereafter. The alleged visits to the office of the DDA and the subsequent policy introduced in the year 2005 do not furnish a fresh cause of action.
19. Even after the said policy came into existence, the petitioner remained inactive for nearly seven years and approached this Court only in 2012. The plea that the petitioner was unable to pursue the matter on account of surgeries is also unsupported by any particulars regarding the dates, nature or duration of such alleged incapacity. In these



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circumstances, the petitioner must be held to have slept over her rights for an inordinate period of time.

20. Hence, I am of the view that the present petition is barred by limitation and no justifiable reason has been given by the petitioner for the inordinate delay.
21. Ms. Rungta, learned counsel appearing for the petitioner, at this stage, submits that the amount deposited by the petitioner with the respondent may be refunded.
22. Ms. Takiar, learned standing counsel for the respondent submits that as stated in the counter-affidavit, the amount deposited by the petitioner shall be refunded upon the submission of the requisite documents.
23. Let the aforesaid exercise be undertaken and the refund be processed in accordance with extant Rules and Regulations.
24. The petition is accordingly dismissed in view of the aforesaid directions.

JASMEET SINGH, J

SEPTEMBER 10, 2026 / (MS)

(Corrected and released on 19.09.2026)