

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

+ W.P.(C) 1277/2008

AZADPUR GAON RESIDENTS
WELFARE ASSOCIATION Petitioner
Through Mr. K.C. Mittal with Mr.Puneet Mittal,
Advocates.

versus

D.D.A. & ORS. Respondents
Through Mr. Ajay Verma, Advocate for DDA
Mr. Virender Sood, Mr.Pushkar Sood and Mr.
Anshuman Sood, advocates for respondent no.4.
Ms. Jyoti Singh with Mr.Ankur Chhibber, Advocates
for respondents 2-3.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
04.03.2008

1. This Writ Petition has been filed by Azadpur Gaon Residents Welfare Association stating, inter alia, that the respondent-DMRC contrary to the Master Plan of Delhi, 2021 and the building bye-laws is constructing a Mall and a the Metro Station at Ring Road, Azadpur, New Delhi.
2. Reference is also placed on another letter dated 19th March, 2007 written by DMRC to the Vice Chairman, DDA. It is submitted that contrary to law, a mall is being constructed on the Green Belt though

request for change of land use from Green Belt/ recreational to commercial is still pending and has not been decided. Learned counsel for the petitioner has also shown photographs of the construction work that is in progress as well as the proposed structural drawings.

3. Learned counsel for the petitioner has drawn my attention to the reply filed by the Chief Public Relation Officer to the queries dated 10th August, 2007, raised under the Right to Information Act. In reply to Item No.1 to 3, it has been replied as under:-

“Item 1. : Whether the construction of Mall-cum-Metro Station at Ring Road, Azadpur is being constructed and developed on a green area proposed in the Development Plan.

Response.: Yes. The Metro station at Ring Road, Azadpur is being constructed and developed on a green area.

Item 2. : Whether the land on which the said Mall-cum-Metro Station is being developed and constructed after converting the green area to commercial area and whether any permission or sanction has been obtained for change of land use.

Response : Permission for change of land use has been applied for by DMRC on 19/03/2007 (copy enclosed).

Item 3. : Whether the land/site at which the Mall-cum-Metro Station is coming up was for some other public purpose and if any permission or sanction has been obtained for change of land use or purpose.

Response : The land/site has been allotted by DDA to DMRC for via-duct, station and parking. At present via-duct, station and parking are under

construction.”

4. It is clearly stated in the reply that what is being constructed is the metro station building and parking area. In their short reply filed by DMRC on 28th February, 2008 it has been clarified that platform and the footprints are being constructed. It is also stated that by letter dated 27th September, 2007, Government of India, Ministry of Urban Development has exempted DMRC from obtaining sanction of building plans from local authorities in respect of the metro station including the platform area and the footprint of the metro station. These are to be treated as part of operational structure. DMRC has, further, enclosed letter dated 19th February, 2008 calling upon the builder to ensure that no commercial development outside the footprint of the station building is undertaken without approval of all authorities concerned including formal sanction of change in land use.
5. DMRC will be bound by the counter affidavit and will not undertake any commercial development outside the footprint of the station building without prior approval of the concerned authority i.e. DDA including change of land use as stated by them in para 5 of the

affidavit. In view of the affidavit filed by DMRC, nothing further survives in this writ petition and the same is accordingly disposed of.

No costs.

SANJIV KHANNA, J.

MARCH 04, 2008
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