



2026:DHC:6714-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 21.04.2026

Judgment pronounced on: 17.08.2026

Judgment uploaded on: 17.08.2026

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CNR No. DLHC010895182025

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W.P.(C) 17333/2025 and CM APPL. 71337/2025

SARASWATI APARTMENTS RESIDENTS WELFARE ASSOCIATION Petitioner

Through: Mr. Samrat Nigam, Sr. Adv.
along with Mr. Akshya, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.

.....Respondents

Through: Mr. Akhil Mittal, Ms. Riddhi Jain and Ms. Shayna Das Pattanayak, Advs. for DDA.
Mr. Tushar Sannu and Ms. Pulak Gupta Joshi, Advs. for MCD and DJB.

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CNR No. DLHC010026032026

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W.P.(C) 1185/2026, CM APPL. 5775/2026 and CM APPL. 8777/2026

NARMADA RESIDENTS WELFARE ASSOCIATION

.....Petitioner

Through: Mr. Ajjay Aroraa, Sr. Adv.
along with Mr. Vansh Luthra, Adv.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through: Mr. Sanjay Katyal, SC for DDA with Mr. Nitish Kumar, Adv.
Mr. Akhil Mittal and Mr. Sameer Vashisht, Advs.

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CNR No. DLHC010057612026
+ W.P.(C) 2122/2026 and CM APPL. 10321/2026
GANGA APARTMENT VASANT KUNJ RWA Petitioner
Through: Mr. Harsh Chugh, Adv.

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through: Mr. Akhil Mittal, Ms. Riddhi
Jain and Ms. Shayna Das
Pattanayak, Advs.

CNR No. DLHC010019162026
+ W.P.(C) 958/2026 and CM APPL. 4650/2026
SARASWATI APARTMENTS RESIDENTS WELFARE
ASSOCAITON Petitioner
Through: Mr. Samrat Nigam, Sr. Adv.
along with Mr. Akshya, Adv.

versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through: Mr. Akhil Mittal, Ms. Riddhi
Jain and Ms. Shayna Das
Pattanayak, Advs.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.:

1. These writ petitions, filed by Residents' Welfare Associations ('RWAs') representing Saraswati Apartments, Narmada Apartments, Yamuna Apartments and Ganga Apartments, call in question the action of the Delhi Development Authority ('DDA') in issuing Notice Inviting Tender dated 27.06.2025 and consequential allotment dated

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18.10.2025 relating to development works within the Mega Housing Complex, including construction of a two-level deck parking facility and establishment of local commercial amenities.

2. The Petitioners contend that the proposed development would utilise land presently functioning as a biodiversity park, open gym and community recreational space and that such action violates planning norms under the MPD and environmental guarantees flowing from Articles 21 and 48-A of the Constitution.

3. Since the impugned tender and allotment form the common foundation of challenge, all petitions were heard together and are being decided by this common judgment.

4. The controversy essentially revolves around whether the DDA is legally justified in implementing development works in accordance with the sanctioned layout plan notwithstanding the existing community use of the land as a green area.

5. The Mega Housing Scheme introduced by DDA around the year 2010 resulted in construction of residential units across four housing societies presently represented through the Petitioner RWAs.

6. The housing complex is governed by an approved layout plan of the area providing for civic amenities including Local Shopping Centres ('LSCs'), community facilities, circulation roads, underground parking and areas earmarked for multi-level parking.

7. Certain parcels earmarked for future development remained vacant for a considerable period. During this period, portions of such land came to be utilised as an open gym and biodiversity park

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allegedly in coordination with local authorities.

8. On 27.06.2025, DDA issued the impugned tender proposing construction of parking infrastructure and development works stated to be in conformity with the sanctioned layout plan of the area prepared at the initial stage when this area was planned and sought to be developed much before allotment in favour of the members of the Petitioners.

9. Representations submitted by the Petitioners seeking preservation of the existing green area did not find favour, and the work was ultimately allotted to M/s Bansal Construction Co. on 18.10.2025, leading to institution of the present proceedings.

10. Learned senior counsel and learned counsel representing the Petitioners submit that removal of the existing green space would deprive residents of their only ecological and recreational area and is contrary to MPD provisions and environmental principles including the Public Trust Doctrine.

11. It is further urged that basement parking facilities remain non-operational and therefore creation of additional parking infrastructure is arbitrary and disproportionate.

12. *Per contra*, DDA submits that the impugned development strictly follows the originally sanctioned layout plan wherein the subject land has always been earmarked for neighbourhood commercial and parking purposes. Temporary use as green space, it is argued, cannot alter sanctioned land use.

13. At the very outset, it is pertinent to note that the scope of

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judicial review in matters of urban planning is well settled. Decisions relating to zoning, infrastructure and civic planning fall primarily within the domain of specialised statutory authorities. Interference under Article 226 is warranted only where illegality, arbitrariness or violation of statutory prescription is demonstrated.

14. The challenge in the present case does not allege absence of planning approval. The grievance essentially arises from continued community use of land which, according to the Petitioners, ought to be preserved as green space irrespective of its planning designation.

15. The sanctioned layout plan placed on record delineates specific parcels reserved for neighbourhood commercial facilities and parking infrastructure. The subject land is shown as forming part of such utility plots and not as land notified as park or protected open space under the MPD or any statutory planning instrument.

16. Further, no material has been produced demonstrating redesignation of the land through modification of the MPD or Zonal Development Plan.

17. Mere passage of time or interim community utilisation cannot confer enforceable rights contrary to sanctioned planning approval. Temporary permissive use does not crystallise into permanent land use entitlement.

18. The Petitioners accepted allotment of flats subject to the governing layout plan. Having done so, residents cannot insist upon freezing development merely because vacant land was informally used as recreational space.

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19. Judicial precedents in *Rohit Dhupar & Ors. v. Lt. Governor & Ors.*¹ and *Smt. Maya Devi v. Union of India*², consistently recognise that layout plans constitute planning instruments capable of administrative adjustment to meet infrastructure and feasibility requirements, provided statutory plans such as the MPD remain unaffected.

20. The reliance upon environmental jurisprudence does not alter the position. Protection of green spaces undoubtedly forms part of constitutional governance. However, such protection applies where land stands legally designated as ecological or open space. Environmental principles cannot be invoked to restrain implementation of an approved development scheme.

21. The contention regarding population norms for establishment of LSCs under the MPD also lacks merit. Planning under the MPD operates at neighbourhood and zonal levels rather than confined to population of an individual housing cluster. Determination of infrastructure adequacy lies within expert planning discretion.

22. Similarly, contention regarding adequacy of shopping malls in Vasant Kunj area does not have substance because such aspects can only be examined by urban planners and experts. Likewise, the argument of the Petitioners regarding shops lying vacant in the area is also in the domain outside the scope of judicial review.

23. The record further discloses that during pendency of proceedings, DDA granted a public hearing and passed a reasoned

¹ 2009 SCC OnLine Del 487

² 65 (1997) DLT 405



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speaking order addressing residents' concerns. Allegation of absence of consultation therefore does not survive.

24. Ultimately, the challenge seeks substitution of judicial preference over expert planning assessment, a course impermissible within writ jurisdiction.

25. The impugned tender dated 27.06.2025 and allotment dated 18.10.2025 are found to be in conformity with the sanctioned planning framework. No illegality, arbitrariness or statutory violation is established.

26. No ground for interference under Article 226 of the Constitution of India is made out.

27. The writ petitions stand dismissed along with pending applications. Interim orders, if any, stand vacated. No order as to costs.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

AUGUST 17, 2026

s.godara/shah