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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3975/2016 & CM APPL. 16778/2016

RASHTRIYA PRIGYA DRISHTI SANSTHAN Petitioner

Through Ms. Kirti Kumar, Advocate

versus

GOVT. OF NCT OF DELHI & ANR Respondents

Through Mr. Gautam Narayan, ASC for R-1.
Mr. Rajan Sabharwal, Standing
Counsel for R-2/North DMC.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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09.05.2016

Present writ petition has been filed challenging the order dated 23rd December, 2011 whereby the provisional regularisation certificate in respect of Louis Braille Vihar Colony, Madan Pur Dabas, P.O. Rani Khera, New Delhi was cancelled.

A perusal of the paper book reveals that the same impugned order with regard to the petitioner's Colony has been upheld by a Coordinate Bench of this Court vide judgment and order dated 4th August, 2014 passed in W.P.(C) 8567/2010.

Even this Court in *Sh. Atul Singh Gandas & Another Vs. Lt. Governor of GNCTD and Others, W.P.(C) 3386/2011* decided on 17th April, 2014 has as under:-

“7. Ms. Zubeda Begum, learned standing counsel for respondent nos. 1 and 2 states that as per Regulations for Regularisation of Unauthorised Colonies existing in Delhi notified on 24th March, 2008 by Government of India, there is no provision for provisionally regularising any unauthorised colony. She states that issuance of a provisional regularisation certificate does not regularise any unauthorised colony automatically.

8. She also confirms that no physical verification was conducted by the State before issuing the provisional certificates. She has placed on record an additional affidavit of Mr. Mansoor Usmani, Deputy Secretary, Department of Urban Development, Government of NCT of Delhi dated 27th March, 2014, which reads as under:-

“Most respectfully it is submitted that the Govt. of India notified the regulations dated 24.03.2008 for regularization of unauthorized colonies existing in Delhi, subject to fulfilment of Provisions laid down in above said regulations. As per regulations dated 24.03.2008 there is no provision for Provisionally Regularizing any unauthorized colony. It was a decision taken by the then Government and Provisional Regularization Certificates (PRC) were issued to the unauthorized colonies on the basis of certain documents submitted by RWAs representing unauthorized colonies and no physical verification was conducted before issuing PRC. The issuance of PRC does not regularize any unauthorized colony automatically. For regularization, unauthorized colony has to satisfy the provisions laid down under regulation dated 24.03.2008 and its subsequent amendments.

Further the PRC is neither a necessary not a sufficient condition for regularization of unauthorized colony. The clause 4.6.3 of Amendment dated 16.06.2008 states that “However, the final boundaries would be fixed by GNCTD only after completing all requisite formalities including those in clause 3 of regulations dated 24.03.2008.”

(emphasis supplied)

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13. In any event, in view of the Government of NCT of Delhi’s admission that provisional regularisation certificate has no legal sanctity and confers neither any legal title nor any legal status, this Court is of the view that it need not quash the illegal and irrelevant

provisional regularisation certificate issued by respondent-State Government.

14. However, to avoid any doubts, it is clarified that a provisional regularisation certificate is of no legal consequence and the same would not be considered or recognized by any Court or authority as the same creates no right in favour of the applicants. It is further clarified that no Court/authority shall recognise or pass any order relying upon the provisional regularisation certificate.”

Keeping in view the aforesaid, present writ petition and pending application are dismissed.

MANMOHAN, J

MAY 09, 2016

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