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

+ **W.P.(C) 8984/2016**

VED PARKASH MALHOTRA Petitioner

Through: Petitioner in person.

Versus

DELHI DEVELOPMENT AUTHORITY & ANR. Respondent

Through: Mr.Ajay Verma with Mr.Vaibhav
Mishra, Advs. for DDA.

Mr.Arjun Mitra, Adv. for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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30.09.2016

CM No.34484/2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) No.8984/2016

1. The petitioner, who claims to be an employee of BSES Rajdhani Power Ltd., filed this petition as a Public Interest Litigation challenging the validity of Unified Building Bye-Laws for Delhi, 2016 made by the Delhi Development Authority vide Notification dated 22.03.2016. Admittedly, the said Guidelines were made in exercise of powers conferred under Section 57(1) of the Delhi Development Act, 1957 with the previous approval of the Central Government.

2. Heard the petitioner, who appeared in person as well as the learned counsel for the respondents, who appeared on advance notice.

3. On a perusal of the averments in the petition, we found that the petition does not reveal any cause of action for invoking the jurisdiction of

this Court and as to how the issues sought to be raised would serve public interest. May be that the petitioner is of the view that the Building Permit Fee prescribed by DDA under the impugned Bye Laws would cause legal injury to the plot owners, developers and builders, however, absolutely no case is made out to show that the said issue needs adjudication for redressal of grievance of the people who are in disadvantaged position to approach the Court. The law is well settled that for maintaining a PIL, the petitioner should be in a position to demonstrate that he is moving the process of law for the benefit of unrepresented or under-represented strata of the society. None of these contingencies arise in the present case.

4. As held in ***Balco Employees Union (Registered) vs. Union of India; (2002) 2 SCC 333***, every matter of public interest or curiosity cannot be the subject matter of PIL. The law is also well settled that the vires of statutory provisions cannot be determined in vacuum.

5. We, therefore, are not inclined to entertain this petition as a PIL.

6. Accordingly, the writ petition is dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 30, 2016

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