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

+ W.P.(C) 3075/2016 & CM Nos. 13015/2016 & 16862/2017

DEEPAK KUMAR & ORS

..... Petitioners

Through: Mr Pawan Relly, Mr Ankit Mishra
and Ms Anamika Gautam, Advocates.

versus

THE GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Jagat Rana, Advocate for R-4/DUSIB.

Mr R. V. Sinha and Mr A. S. Singh,
Advocates for R-5/DMRC with Mr
Alok Kumar, AR.

Mr P. Sahu and Mr Siddharth Panda,
Advocates for R-2.

Mr Sanjeev Sagar and Mr N. Arora,
Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.08.2017

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) Issue a writ in the nature of mandamus or any other appropriate writ or directions directing the concerned respondents to cancel the order of allocating the land dated 14.08.2014 at three sides situated in front of Block 15, 16, 17 and 18 opposite the main road Near Mother Dairy Booth to Respondent No. 5 (Delhi Metro Corporation Limited) for the rehabilitation of the metro project affected persons or JJR of Block 15, Trilokpuri.

- b) Issue an appropriate writ, order or direction directing the respondent no. 5 to stop the construction of plot in the aforesaid area for the rehabilitation of the metro project affected persons or JJR of Block 15, Trilokpuri.”

2. The petitioner states that respondent no.5 (DMRC) is now constructing multi storey flats to relocate persons occupying certain land at Trilokpuri ('the Trilokpuri Land'), which is required by DMRC for construction of a metro line. The grievance of the petitioner is that the land on which DMRC is now constructing flats (relocation land) is not earmarked for residential use in the zonal plans as well as MPD 2021 and, therefore, such construction is contrary to law.

3. The Delhi Development Authority (DDA) has filed an affidavit indicating that the land on which DMRC is constructing residential units to relocate occupants of the Trilokpuri Land is recreational area and an application for change of land use is pending consideration with DDA.

4. There is no dispute that pending change of land use, any construction undertaken by DMRC would be contrary to law and Delhi Development Authority as well as the concerned Municipal Authority would be required to take appropriate action in this regard. However, given the fact that DMRC has already constructed several buildings, this Court considers it apposite to direct DDA to examine the request for change of land use in accordance with law as expeditiously as possible. In the event, DDA comes to the conclusion that the change of land use is not permissible, the same shall be immediately communicated to DMRC and the DMRC is directed to take necessary steps for demolition of the construction already carried out in

violation of the land use norms. However, in the event, DDA permits the change of land use, it shall make necessary modification in the Master Plan and same shall be notified. This exercise shall be completed within a period of twelve weeks from today. The present petition would be considered as an objection on the part of the petitioners for change in land use and DDA shall consider the same while deciding whether to permit or to use the change of land.

5. The present petition is disposed of with the aforesaid observations.
6. Order *dasti*.

AUGUST 23, 2017
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VIBHU BAKHRU, J