

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

% Date of decision: 25th October, 2018

+ W.P.(C) 2680/2017

G.P. RURAL DEVELOPMENT YOUTH PROGRESS
ASSOCIATION & ANR Petitioners

Through: None.

versus

GOVT. OF NCT OF DELHI Respondent

Through: Mr. Gautam Narayan, ASC
with Ms. Shivani Vij, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

V. KAMESWAR RAO, J. (ORAL)

1. There is no appearance for the petitioners even on the second call.
2. The present petition has been filed by the petitioners with the following prayers:

“It is therefore most respectfully prayed that in the interest of general welfare of the citizens, this Hon’ble Court may pass:

a) an order directing the Respondent to get the Community Centre facility restored to the Residents and got the land belonging to the Pond vacated, restored and developed.

b) an order to direct the respondent to construct and restore the alternate facility of a Multipurpose Community Centre at the Village Gadaipur, New Delhi;

c) direct the respondent to construct the road, connecting the Pond in question;

d) to cancel the lease granted to National Cadet Corps. dated 01.11.2010 and get and land belonging to the Pond vacated and;

e) direct the respondent to remove the encroachments from the Government land and use the same for the benefit of the villagers;

f) direct the respondent to develop the Community Centre on alternate land or shift the NCC Centre to another land in the vicinity of the area;

g) to direct the Respondent to remove the blockage of movement of water to the Pond and prevent the same from collecting on the roads or houses of the residents of the area.

h) Pass such other and further order which the Hon'ble Court may deem fit and proper in the fact and circumstances of the above case"

3. Respondent has filed its reply to the petition, wherein they have stated that after construction of Multipurpose Community Centre in village Gadaipur, the same was booked for total number of 11 times between 1998-2003 and was not booked at all by the villagers for any purpose between 2003 and 2004. It is also stated that the respondent is required to incur heavy expenditure in building the MPCC. Another MPCC is situated in the adjoining village in Jaunapur which is about 2 Kms. distance from the MPCC

in Village GadaiPur. As a result thereof, in the year 2004, MPCC was allotted to the National Cadet Corps (NCC) on lease of 10 years on a rent of Rs.7,60,236/- per year. After expiry of lease period in the year 2014, the same was extended for a further period of 10 years on a rent of Rs.19,72,912/- per year. According to the respondent, the renting out of the MPCC was pursuant to a policy decision and for the reasons stated above. They have also stated that presently no vacant land is available with the respondent department which is suitable for construction of MPCC for the residents of village Gadaipur. With regard to Khasra Nos. 163 and 251, it is stated by the respondent that the said lands are pahari and are surrounded by the private land, thus having no means to approach the said land. Even Khasra No. 323 is not available as the same has been allotted to the Transport Department / Delhi Transport Corporation. However the Transport Department / Delhi Transport Corporation has not deposited the rent in respect of the said land. It is also stated that the respondent Gaon Sabha is presently considering the cancellation of the said allotment and construction of an alternate MPCC on the said land. It is also stated that MPCC, if constructed, will be less accessible to the villagers at

Village Gadaipur than MPCC at Jaunapur, which is merely 2 Kms. away from the present MPCC at Village-Gadaipur.

4. In view of the stand taken by the respondent and the fact that no rejoinder has been filed nor any appearance is there for the petitioner, no purpose shall be served to retain the petition. Accordingly, petition is dismissed.

V. KAMESWAR RAO, J

CHIEF JUSTICE

OCTOBER 25, 2018/jg