$~17

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

Date of Order: January 04, 2018

\+ **W.P.(C) 5859/2015**

R.K. JAIN ..... Petitioner

Through: Mr.Mayank Jain, Mr.Madhur Jain, Mr.Parmatma Singh and Mr.Aditya Jain, Advocates

versus

DELHI DEVELOPMENT AUTHORITY ..... Respondent

Through: Mr.Arjun Pant, Advocate with Dr.K.Srirangam, Director (Planning) for DDA
Ms.Mini Pushkarna, Standing Counsel, SDMC and Ms.Anushruti and Ms.Vasundhara Nayyar, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner is the owner of residential property bearing No. B-5/1, Safdarjung Enclave, New Delhi who seeks issuance of fresh line diagram/site plan of the subject property indicating the measurement of 513 square yards and the consequential modification of the layout plan of the area. Respondent-DDA in its counter affidavit has stated that its Planning Department is taking up the issue of modification of the layout plan as Land Department has regularized additional area of 13 square yards. Counter affidavit was filed way back in October, 2015.

2. Despite the aforenoted stand taken by respondent-DDA, neither fresh line diagram has been issued in respect of the subject property nor the layout plan has been modified which necessitated filing of this writ petition.

3. On 15th March, 2017, it was agreed upon by both the sides that a joint meeting would take place between the concerned officers of DDA and South Delhi Municipal Corporation (hereinafter referred to as SDMC) on the aspect of issuance of line diagram and consequent changes in the layout plan. Learned counsel for respondent-DDA and SDMC submit that the said meeting took place on 13th April, 2017. Learned standing counsel for respondent-SDMC submits that in the said meeting, it was left to respondent-DDA to issue fresh line diagram and to carry out the consequent changes in the layout plan. To submit so, learned standing counsel for respondent-SDMC has placed on record copy of '*Minutes of Meeting*' of 13th April, 2017. Learned counsel for respondent-DDA submits that site inspection was carried out in April, 2017 itself. Despite this case being adjourned on numerous occasions to enable respondent-DDA to do the needful, fresh line diagram has not been issued and modification of the layout plan of the area has not been carried out. Even today, some more time is sought by counsel for respondent-DDA to do so.

4. Upon hearing and on perusal of the counter affidavit filed by respondent-DDA, I find that it would be futile to grant further time to respondent-DDA to act upon the stand taken in its counter affidavit. Since the additional area of 13 square yards has already been regularized, therefore, there is no impediment to direct respondent-DDA to issue fresh

line diagram and accordingly modify the layout plan of the area within a period of 12 weeks from today.

5. With aforesaid directions, this petition is disposed.

6. A copy of this order be given dasti to counsel representing both the sides.

SUNIL GAUR
(JUDGE)

JANUARY 04, 2018
mamta

HIGH COURT OF DELHI
सत्यमेव जयते