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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 01.10.2018

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W.P.(C) 10449/2017

ANIL DUTT SHARMA

..... Petitioner

Through: Ms. Charvi Sharma and Mr. Dinesh
Kumar Sabharwal, Advs.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Satyakam, ASC for R1/GNCTD
with Mr. Mohit Kumar, Adv.
Mr. Mukesh Gupta, SC with Ms.
Shashi Gupta and Mr. Sanjay, Adv.
for R/EDMC.
Mr. Ajjay Arora and Mr. Kapil Dutta,
Adv. for NDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

CM APPL. 42689/2018 (*exemption*)

Allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) 10449/2017

1. The following prayers are made in this Public Interest Litigation:

“A. Allow this writ petition in nature of public interest litigation and issue writ in the nature of Mandamus to direct the respondent No.3 to respondent No.5 to remove encroachments

and ensure width of all roads in Delhi at each point as per map under Master Plan of Delhi, 2021;

B. Allow this writ petition in nature of public interest litigation and issue writ in the nature of Mandamus to direct respondent No.1 to respondent No.5 to shift all industries running in residential/non-confirming area as per under master Plan of Delhi 2021;

C. Allow this writ petition in the nature of public interest litigation and issue writ of Mandamus to direct respondent No.1 to respondent No.5 to shift wholesale market from non-confirming area in Delhi;

D. Allow this writ petition in nature of public interest litigation and issue writ in the nature of Mandamus to direct respondent No.3 to respondent No.5 to take appropriate action against the basements and owner thereof for mis-use of basements as per under Master plan of Delhi, 2021;

E. Allow this writ petition in nature of public interest litigation and issue writ in the nature of Mandamus to direct respondent No.3 to respondent No.5 to take appropriate action against the owners and occupiers for mis-use of property who are carrying out business operation in residential. Non-confirming area;”

2. In para V. of the writ petition, the petitioner has mentioned the following activities which are not permissible in the basements as per Clause 15.6.2 of Master Plan of Delhi, 2021:

“(a) Retail shops of building materials [timber, timber products (excluding furniture), marble, iron and steel, (gravel, cement and sand], firewood, coal and any fire hazardous and other bulky materials.

(b) Repair shops/workshops of automobiles, tyre resoling and re-treading, and battery charging.

(c) Storage, go-down and warehousing.

(d) Junk shop (except paper and glass waste)

(e) Liquor shop

(f) Printing, dyeing and varnishing

(g) *Any other activity that may be notified from time to time by Government.*”

2. No specific instances of encroachment, illegal construction or other averments are made in the writ petition and in a general manner, the prayer is made to implement the Master Plan of Delhi 2021.

3. In the matter of illegal/unauthorized construction, this Court has passed a detailed order dated 20.09.2018 in W.P.(C) No.1807/2018 titled as *Devender v. Government of NCT of Delhi & Ors.* and connected cases (batch of 16 cases) wherein we have taken note of the fact that Hon’ble Supreme Court is seized of the issue pertaining to illegal constructions both ongoing and constructions already concluded and passed various orders including orders dated 24.04.2018 and 18.07.2018 passed in ***Writ Petition(s) (Civil) No(s). 4677/1985 M.C. Mehta v. Union of India & Ors.***

4. We are informed that based on various directions issued by the Hon’ble Supreme Court, the Delhi Development Authority vide Office Memorandum No. O-33011/1/2006-DDI dated April 25, 2018 has constituted a Special Task Force consisting of about 15 Members, the objective of the Task Force and the Rules and procedure for functioning of the Task Force has been brought to our notice.

5. That apart, by another Office Memorandum No. O-33011/1/2006-DDI issued by the DDA on May 23, 2018, an action plan for monitoring all ongoing construction activities in Delhi, fixing of responsibilities in case of violation of Master Plan, unified Building Byelaws and issues with regard to illegal constructions have been dealt with and even a plan for receipt of complaint with regard to illegal and unauthorized constructions already made and steps to be taken for their removal have been indicated.

6. Keeping in view the aforesaid and the nature of claim made by the petitioner in the writ petition, we grant liberty to the petitioner to make an appropriate complaint before the Special Task Force Committee constituted in the light of the order passed by the Hon'ble Supreme Court. It would be Special Task Force Committee which would proceed to take action in accordance with law as directed by the Hon'ble Supreme Court.

7. Accordingly, this writ petition is disposed of with liberty to the petitioner to file his complaint before the appropriate Committee as indicated hereinabove.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 01, 2018/ns