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

+ **W.P.(C) 11277/2019**

% *Date of decision: 22nd October, 2019.*

**DELHI CITIZEN FORUM FOR
CIVIL RIGHTS (REGD)**

..... Petitioner

Through: Ms.Divya Jangid, Adv. with
Ms.Joshini Tuli, Adv.

Versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr.Dhanesh Relan, Standing Counsel
Ms.Komal Srout, Ms.Gauri Chaturvedi, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

C.M.No.46479/2019 (exemptions)

Allowed, subject to all just exceptions.

W.P.(C) 11277/2019

1. This so called public interest litigation has been preferred with the following prayers:

“a) *Allow this writ petition and issue a writ of mandamus or any other appropriate writ, order or direction, for giving directions to the Respondents for maintaining and updating the records of land that has been acquired in the state of Delhi-NCR so that interested parties who are in actual possession of the land compulsorily acquired can get their respective benefits; and*

- b) *By way of issuance of an appropriate writ, order or direction, direct the Respondents to follow the original master plan issued by the Delhi Development Authority for completion of projects ; and*
- c) *By way of issuance of an appropriate writ, order or direction, direct the Respondents to de-notify the acquisition of land of which possession has not been taken by the Respondents till date which have been occupied for more than 12 years by the current owners.; and*
- d) *By way of issuance of an appropriate writ, order or direction, directing the Respondents to follow the original plan as per the Master Plan 202land original plan of DDA, not to re-align the original plans , due to political pressure and the pressure of interested parties ;and*
- e) *By way of issuance of an appropriate writ, order or direction, directing the Respondents to Stay the Demolition procedure on the land affected and allegedly acquired for the development of UER 2 and similar such projects carried out by the Respondents till the decision of the Writ petition where dwelling units are constructed and have been in possession of the owner for 12 years or more;”*

2. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that this is not a public interest litigation at all but a publicity interest litigation.

3. No head and tail could be matched by counsel for the petitioner for any orders to be issued for the prayers as prayed for in the memo of the petition. It appears that the petitioner is seeking directions to be issued upon

the respondents for maintaining and updating the revenue records. It ought to be kept in mind that those who are purchasing property are required to approach the revenue officers for the mutation entries in the revenue records. If such purchasers of the property are not approaching the revenue officers, the mutation entries cannot be carried out in their favour.

4. So far as following the original Master Plan of Delhi – 2021 issued by DDA is concerned, nothing has been pointed out by the petitioner as to what violation has been done by whom. Just for the sake of arguments, this contention has been raised.

5. A prayer has also been made in the writ petition for de-notifying the acquisition of the land in question. This is not permissible in a public interest litigation. If anybody is aggrieved by the illegality in the land acquisition proceedings, such person can approach the Court with proper averments, allegations and annexures and with cogent evidences. Otherwise, in general no order can be passed for de-notifying the acquisition of land. It seems that the petitioner has filed such type of petition just to create a sensation amongst the public.

6. The other prayer in this writ petition is about stay to be granted against the demolition of the property. This type of prayer, in general, cannot be granted by this Court. To stay or not to stay the demolition drive by the respondents depends upon the legality or otherwise of the procedure followed by the respondents for a particular property in question. Whenever the construction is illegal and unauthorized, it is bound to be demolished by the respondents in accordance with law, rules and regulations. We cannot give a general stay of demolition in such type of public interest litigation.

7. With these observations, this writ petition is dismissed with costs of

Rs.10,000/- to be deposited with Delhi State Legal Services Authority within six weeks from today.

8. A copy of this order be also sent to the Member Secretary, Delhi State Legal Services Authority.

CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 22, 2019
'anb'

