

\$~6

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

Date of Decision: 24th December, 2019

+ W.P.(C) 3136/2017

OM PRAKASH

..... Petitioner

Through: Mr. Shrey Chathly, Adv.

versus

EAST DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Ajjay Arora & Mr. Kapil Dutta,
Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

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

1. This writ petition has been preferred with the following prayers:

“(i) Allow the petition of the Petitioner and issue a writ, order or direction in the nature of prohibition and/or certiorari against the respondent East Delhi Municipal Corporation from constructing and making operational of Community Centre and Barat Ghar in the middle of a dense and thickly populated residential colony Chandrawali, Shahdara, Delhi.

(ii) Issue writ, order or direction in the nature of mandamus against the respondent East Delhi Municipal Corporation directing demolition of the structure/construction raised and develop the same into an open space and/or public park for the residents of the colony and the vicinity.

(iii) Any other and further relief/ order which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. Having heard the counsel for both the sides, learned counsel appearing for the petitioner submitted that the construction at the behest of East Delhi Municipal Corporation is not in accordance with law and also not in accordance with the Master Plan Delhi -2021.

3. Learned counsel appearing for the East Delhi Municipal Corporation submits that the building in question would not be put to any designated use without completing the formalities as prescribed by the law in operation.

4. In view of the statement made by the learned counsel appearing for East Delhi Municipal Corporation, we see no reason to further monitor this case and we expect from the East Delhi Municipal Corporation that they will follow the procedure established by the law and thereafter only after following the procedure, the building in question shall be put in use by the respondent.

5. With the aforesaid observations, this writ petition is hereby disposed of.

C.M. No. 13667/2017 (*Stay*)

6. In view of the final order passed in W.P. (C) 3136/2018, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 24, 2019/ns