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

% *Date of Decision: 16th October, 2019*

+ W.P.(C) 7606/2016

INVESTORS, INTERMEDIARIES, CULTIVATORS &
CONSUMERS ASSOCIATION (INDIA) Petitioner

Through: Mr.Atul Y.Chitale, Sr.Adv. with
Ms.Tanvi Kakar, Adv.

Versus

MINISTRY OF URBAN DEVELOPMENT & ORS. Respondents

Through: Mr.Vikas Mahajan, CGSC with
Mr.Aakash Varma, Mr.Prajesh V.S., Mr.Anil
Kumar, Mr.Deepak Goyal, Advs. for R-1.

Mr.Rajiv Bansal, Sr.Adv. with Ms.Rukmini
Bobde, Ms.Shagufta Salim, Ms.Parul Panthi,
Mr.Anant Nigam, Ms.Shweta Saini, Advs. for R-
2&3/DDA.

Mr.Mukesh Gupta, Standing Counsel for SDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

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

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

“a) Issue a writ of Mandamus or any other writ or direction directing the Respondent No.1 to ensure that Respondents No. 2to 4comply with all the regulations under MPD 2021 relating to low density residential areas;

b) Issue a writ of Mandamus or any other writ or direction directing the Respondents No. 2 to 5 to comply with the MPD 2021 by sanctioning the building plan submitted by several

villagers in accordance with the notification issued by Respondent No.1 within 15 days from the submission of the plan, more specifically in view of Notifications dated May 10, 2013, June 18, 2013 and Public Notice dated September 24, 2013 and Notification dated September 25, 2013, December 31, 2013 and February 11, 2014 (**Annexure PI to P 5 of the Petition**) without any charges, in 1 acre 2 residential units with 60 metre EWS and in case of charges, 3 residential units with EWS quarters on 60 metre.

c) Pass writ order or direction holding that all those land of villages, which has been declared as urbanized land under Section 507 of Delhi Municipal Corporation Act, 1957 may be declared fit for passing the map/plan of residential unit and accordingly all the Respondents may be directed to pass the plan within a period of 15 days from the submission of plan as per Notifications dated May 10, 2013, June 18, 2013 and Public Notice dated September 24, 2013 and Notification dated September 25, 2013, December 31, 2013 and February 11, 2014 (**Annexure PI to P 5 of the Petition**)”

2. Having heard the learned counsel for both the parties and looking to the facts and circumstances of the case, it appears that the Master Plan of Delhi – 2020-21 (‘MPD 2021’) especially scheme for Low Density Residential Area is to be implemented. It further appears that amendments in the MPD-2020-21 has already been suggested by Delhi Development Authority (‘DDA’) under the Delhi Development Authority Act, 1957 especially under Section 11A thereof. The said amendments are yet to be finalized by the respondents and hence, no question whatsoever arises of implementing the MPD 2021 so far as the scheme for Low Density Residential Area is concerned. If the amendments are already under active consideration before the respondents, the original MPD 2021 cannot be implemented.

3. Learned Senior counsel for the petitioner submitted that since long the said amendments are pending before the respondents. Objections have already been invited under Section 11A of the DDA Act, 1957 in the year 2016 but till today, the respondents have not finalized the same.

4. It is one thing to finalize the amendments in MPD 2021 and it is altogether another thing to implement the unamended Master Plan. We are, therefore, not inclined to issue any direction for implementation of the unamended MPD 2021, and especially implementing regulations relating to Low Density Residential Area scheme. Nevertheless, we hereby direct the respondents to expedite the finalization of the amendments as suggested by the DDA for the MPD 2021. This exercise will be completed as early as possible and practicable.

5. With these observations the writ petition is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 16, 2019

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