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

Date of decision: 21st November, 2019

+ W.P.(C) 9042/2017

**BHOOMI CHATTAR SINGH
RACHHOYA AND ANR**

..... Petitioners

Through: None

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Ajay Digpaul, CGSC with Mr. Aaryan Verma and Mr. S. Karmakar, Adv. for respondent no. 1

Mr. Anuj Aggarwal, ASC with Mr. Deepak Shrivastava, Adv. for respondent nos. 2 to 5 & 10

Mr. Ranjan Tyagi, Adv. for respondent nos. 5 and 6

Ms. Sapna Chauhan, Adv. for DDA

Mr. Sri Harsha Peechara, Standing Counsel with Mr. Aditya Vikram Singh, Adv. for SDMC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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21.11.2019

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 9042/2017

1. When the matter is called out, no one appears for the petitioners.

We have heard counsel for the respondents at length.

2. This Public Interest Litigation (PIL) has been preferred with the following prayers:

“(a) issue of writ, order (s) or direction (s) in the nature of certiorari for setting aside notification of Government of Delhi, notifying Swarn Park Mundka as a non conforming cluster of industrial concentration for redevelopment and Notification dated 07.02.2007 of Ministry of Urban Development to the extent of notifying Swarn Park Mundka under redevelopment of unplanned industrial area under MPD 2021 and Notification S.O. 954(E) dated 01.05.2012 issued by Delhi Development Authority to the extent of notifying "Regulations for Redevelopment of clusters of industrial concentration in non conforming areas/unplanned industrial areas in respect of Swarn Park Mundka under redevelopment of unplanned industrial area;

(b) issue of writ, order (s) or direction (s) in the nature of mandamus directing Respondents to prevent and demolish illegal and unauthorised constructions in illegal and non-confirming / unplanned industrial area

in Swarn Park, Mundka and;

(c) issue of writ, order (s) or direction (s) in the nature of mandamus directing Respondents to prevent and demolish illegal and unauthorised construction in Khasra no. 72/10/2(1-4), 72/11/1(1-1) and 71/26(0-5), in front of metro pillar 489, near Om Dharam Kanta, Swarn Park, Mundka, Delhi and other, areas in Mundka, Delhi and ;

(d) issue of writ, order (s) or direction (s) in the nature of mandamus directing the Respondents to prevent and demolish illegal and unauthorised construction in various localities in Nangloi, Delhi and;

(e) issue of writ, order (s) or direction (s) in the nature of mandamus directing Respondents to prevent and demolish illegal and unauthorised constructions in various localities of Nangloi, Delhi;

(f) issue of writ, order (s) or direction (s) in the nature of mandamus directing Central Bureau of Investigation (CBI) to investigate and to take appropriate legal actions against the politicians, officials of government department and municipal corporation, land mafia and other anti-social elements, who have connived together to cause loss of revenue to State exchequer by engaging in unabated, illegal and unauthorised construction in Swarn Park Mundka and various other areas of Mundka and Nangloi, Delhi and;

(g) pass any other order or orders this Hon'ble Court may deem fit & proper in the circumstances of the present case.”

3. Counsel appearing for the respondents submits that a detailed counter affidavit has been filed by the Delhi Development Authority and paragraph nos. 6, 7 and 8 thereof reads as under:-

“6. That it is pertinent to mention here that in the earlier MPD-2001 the "Industrial Area Redevelopment schemes" read as:”

"Industrial Areas Redevelopment Schemes for the following industrial clusters should be prepared after proper survey and appraisal. Industrial units which are safe and compatible in the use zone could be regularized after upgrading the environment.

- | | |
|--------------------------|----------------------------------|
| <i>1) Anand Parbat</i> | <i>Light industrial area</i> |
| <i>2) Shahdara</i> | <i>Light industrial area</i> |
| <i>3) Shamapur Badli</i> | <i>Extensive industrial area</i> |

The regularization of each industrial units shall be on individual merits. The land tenure could be decided while taking up the regularization of these schemes. The charges for the development of these areas shall be levied by the authority on the beneficiaries."

The relevant extract of MPD-2001, is attached alongwith and is marked as ANNEXURE-C-1.

7. That later, the list of non-conforming Industrial areas including the Swarn Park, Mundka was added during the preparation of MPD 2021. The following was decided as per the minutes of the 17th meeting of Board of enquiry and hearing held on 18.12.2006, for the objections/suggestions on Draft MPD-2021;

"The list of non-conforming industries as given in notification dated 30th June 2006 should be added under 7.6.2"

Copy of the minutes of the 17th meeting of the Board of Enquiry, and hearing for the objection/suggestion on draft

MPD 2021, is annexed alongwith and is marked as ANNEXUREC-2.

8. That in the MPD 2021 Swarn Park Mundka, was included, in 7.6.2 and the regulation for redevelopment of clusters of industrial concentration in Non-Conforming Ares/Unplanned Industrial Areas was formulated as per the provision given under para 7.6.2.1 in chapter 7, Industry of MPD 2021 and the same was notified by following the due procedure laid down under section 57 of DD Act 1957.

Copy of the clause 7.6.2 and 7.6.2.1 of the MPD 2021, is attached alongwith and is marked as ANNEXURE-C-3.”

4. We have also perused the status report dated 17th January, 2018 filed by the North Delhi Municipal Corporation and paragraph 4 thereof reads as under:-

“4. As per the direction of the Hon'ble high court answer respondent have plan to demolition action on the mentioned property. We have plan/fix the demolition programmes dated 17.10.2017, 25.10.2017, 06.11.2017, 08.11.2017, 23.11.2017, 30.11.2017, 04.12.2017, 07.12.2017, 12.12.2017, 20.12.2017, 23.12.2017, 29.12.2017, 02.01.2018, 03.01.2018 & 09.01.2018 Time. Report is as annexure C-1 to C-15.

(I) That the respondent plan to take demolition action on 17/10/2017 in the jurisdiction of police station Mundka. Demolition action taken could not take place due to non availability of police force. As ANNEXURE C-1.

(II) That the respondent plan to take demolition action on 25/10/2017 in the jurisdiction of police station Mundka. Demolition action taken could not take place due to non availability of police force. As ANNEXURE C-2.

(III) That the respondent plan to take demolition action on 06/11/2017 in the jurisdiction of police station Mundka. Demolition action has been taken with the help of P.S. Mundka. As ANNEXURE C-3.

(IV) That the respondent plan to take demolition action on 08/11/2017 in the jurisdiction of police station Nangloi. Demolition action has been taken with the help of P.S. Nangloi. As ANNEXURE C-4.

(V) That the respondent plan to take demolition action on 23/11/2017 in the jurisdiction of police station Nangloi. As ANNEXURE C-5.

(VI) That the respondent plan to take demolition action on 30/11/2017 in the jurisdiction of police station Mundka. As ANNEXURE C-6.

(VII) That the respondent plan to take demolition action on 04/12/2017 in the jurisdiction of police station Mundka. Demolition action taken could not take place due to non availability of police force As ANNEXURE C-7.

(VIII) That the respondent plan to take demolition action on 07/12/2017 in the jurisdiction of police station Nangloi. Demolition action has been taken with the help of P.S. Nangloi as ANNEXURE C-8.

(IX) That the respondent plan to take demolition action on 12/12/2017 in the jurisdiction of police station Nangloi. Demolition action has been taken with the help of P.S. Nangloi as ANNEXURE C-9.

(X) That the respondent plan to take demolition action on 20/12/2017 in the jurisdiction of police station Nangloi. Demolition action has been taken with the help of P.S. Nangloi as ANNEXURE C-10.

(XI) That the respondent plan to take demolition action on 23/12/2017 in the jurisdiction of police station Nangloi. Demolition action has been taken with the help of P.S. Nangloi as ANNEXURE C-11.

(XII) That the respondent plan to take demolition action on 29/12/2017 in the jurisdiction of police station Nangloi. Demolition action has been taken with the help of P.S. Nangloi as ANNEXURE C-12.

(XIII) That the respondent plan to take demolition action on 02/01/2018 in the jurisdiction of police station Mundka. Demolition action has been taken with the help of P.S. Mundka as ANNEXURE C-13.

(XIV) That the respondent plan to take demolition action on 03/01/2018 in the jurisdiction of police station Nangloi. Demolition action has been taken with the help of P.S. Nangloi as ANNEXURE C-14.

(XV) That the respondent plan to take demolition action on 09/01/2018 in the jurisdiction of police station Nangloi.

Demolition action has been taken with the help of P.S. Nanglol as ANNEXURE C-15.

The status report/action taken report of the first list along with photograph as ANNEXURE-A-1 to A-8 ANNEXURE-P-14 COLLY. attached by the petitioners are as under:-

SR No.	. PROPERTY NO.	PRESENT STATUS OF THE PROPERTY	ACTION TAKEN
1.	C-108, Sukhi Nahar, Cement	Wall Gail, Swam Park, Mundka	Building existing G.F & F.F Old & Occupied
2	A-16, Cement Wali Gali, Swarn Park, Mundka	At present property is not traceable	
3	A-46, Cement Wali Gali, Swarn Park, Mundka	U/c in the shape of ground floor, first floor, second floor & third floor	65/UC/B/N/17-18 dt. 25.09.2017 and action u/s 345-A also Initiated ' and demolition action taken on 08.11.2017
4	Kh. No.50/6, Gali No-6, Near MTS Mittal Timber Store, Swarn Park, Mundka	Building existing Ground floor only	Old & occupied.
5	Plot No.100-101, Gali No-8, Swarn Park, Mundka	U/c In the shape of raising of wall & columns upto roof land at ground floor & further construction of ground floor roof & raising to walls & columns at first floor.	68/UC/B/N/17-18, dt. 28.09.2017 and action U/s 345-A Initiated
6	Kh. No-49/18, Drum Wali Gali, Gall No-4, in Front of Timber Market, Swarn Park, Mundka	U/c In the shape of office at ground floor, first floor and toilet at second floor and raising of wall and column at ground floor upto full height	57/UC/B/N/17-18 dt. 19.09.2017 and action u/s 345-A also Initiated and demolition action taken on

		for godown	12.12.2017
7	Plot No-113, Gali No-8, Swarn Park, Mundka	U/c in the shape of Ground floor, first floor, second floor & third floor	03/UC/B/N/18, dt. 03.01.2018 and demolition action taken on 03.01.2018
8	Kh. No-64/8, Shiv Property, Near Bulbul Banquet Hall, Main Rohtak Road, In Front of Metro Pillar No-578, Mundka		SDM has taken the demolition action and at present work found stopped at site.
9	R-66, in Front of Mundka Metro Station, Mundka R-265, Near Mundka Metro station main Rohtak road Mundka Delhi	Ground Floor & First Floor	Regularization rejected vide letter No. 335 dated 28.09.2017 81/UC/B/N/17-18 dt. 23.10.2017 and demolition action taken on 02.01.2018
10	Plot No-216', in Front of Rani Khera Mor, Metro Pillar No-536, Mundka	U/c in the shape of basement, ground floor, first floor & second floor	07/UC/B/N/17-18 Dated 08/05/2017 & 70/UC/B/N/17-18 Dated 29/09/2017
11	H,No-B-93, Suraj Dharam Kanta, Swarn Park, Main Rohtak Road, Mundka	U/c in the shape of ground floor, first floor & 2 nd floor	82/UC/B/N/17-18 Dated 23/10/2017
12	B-60, Global Properties, Swarn Park, Along with Metro Pillar No-498-499, Rohtak Road, Mundka	Same as above at S. No. 11	
13	Plot No-1712, Kh.No-76/25/2, Sukhi Nahar, Amar Colony, Road Between Swarn Park, Mundka	U/c in the shape of ground floor	83/UC/B/N/17-18, dt. 23.10.2017
14	Plot No-72, Deep Properties, 4Jdhyog Nagar, In Front of Metro Pillar No-488, Swarn Park, Mundka	U/c at hall at ground floor and first floor	26/UC/B/N/17-18 dt. 21/07/2017,
15	Sai Vatika, Kh. No. 76/6/2, & 72/14/1, Near Rajdhani Park, Metro Station, Swarn Park, Mundka	Old & Occupied	
16	560/2/3, Extn, Lal Dora Udhyog Nagar, Shiva Garden, In front of Metro Pillar no. 488-489, Swarn Park, Mundka	Old & Occupied	

17	B-71, Telco Wali Gali, Swarn Park, Mundka	Old & Occupied	
18	B-73, Telco Wall Gall, Near Balblr Dharam Kanta, Swarn Park, Mundka	Old & Occupied	
19	B-2, Cement Wali Gali, Ajay Dharam Kanta, Swarn Park, Mundka	U/c in the shape of raising of walls &. columns upto full height and placing of trusses for godown at ground floor	85/UC/B/N/17-18 dt.23.10.2017
20	71/15, Apna Bazar Dava Bazar, In Front of Metro Pillar No-488, Main Rohtak Road, Swarn Park, Mundka	Old and occupied	
21	527 &. 562, Basement, Rohtak Road, Swarn Park, Mundka	Not traceable	
22	Kh. No-29/1/1, Bhagya Vlhar, Near Kali Mata Mandir, Mundka	Not traceable	
23	B-338, 30 Feet Road, Near B.L. Gupta, Properties, Bhagya Vlhar, Mundka	U/c in the shape of ground floor, first floor and second floor with, projection on Municipal land	88/UC/B/N/17-18 dt.27.10.2017(book ed on completion)

The status report/action taken report of the second list along with photograph as annexure B-1 to B-2 ANNEXURE-P-15- and ANNEXURE -P-16 under:-

SR. NO.	PROPERTY NO.	PRESENT STATUS OF THE PROPERTY	ACTION TAKEN
1	528 & 529-B, Nazafgarh Road, In Front of Syndicate Bank, Nangloi	Both Properties falls under the Jurisdiction of Rohini zone	
2	529-B, Nazafgarh Road, In Front of Syndicate Bank, Nangloi	Property falls under the Jurisdiction of Rohini Zone	
3	H.No-25, Tyagi Colony, Rajendra Park, M.R.F. Wali Gali,	U/c in the shape of ground floor, first floor, second floor, third	61/UC/B/N/17-18 dt. 25.09.2017 and action u/s 345-A also

	Nangloi	floor & fourth floor	initiated and demolition action taken on 23.12.2017
4	H.No-128, Block-2C, E-1, Nangloi	Not traceable	
5	H.No-9, Nangloi Extn., Gali In Front of B.R. Public School, Nangloi	U/c at shape of ground floor, first floor, second floor, third floor and fourth floor roof etc	44/UC/B/N/17-18 dt. 17.08.2017 and demolition action taken on 23.12.2017
6	H.No-25, Kh.No-36/24/2, M.R.F. Showroom Wali Gali, Nangloi Extn., Nangloi	Repeated as serial no-3	
7	76/25/2, Near Mahabir Dharam Kanta, Sukhi Nahar, Amar Colony, Nangloi	U/c- in the shape of ground floor.	83/UC/B/N/17-18 Dated 23/10/2017
8	Bhawan No-A-6/C, Amar Colony, Nangloi	Not traceable	
9	Bhawan No-A-6/C, Behind Amar Colony, Nangloi	Not traceable	
10	C-45, Gali No-3, Amar Colony, In Front of Sanjivani Flospital, Kamruddin Nagar Road, Amar, Colony, Nangloi	U/c in the shape of raising of walls & columns upto roof ht. at ground floor	84/UC/B/N/17-18 dt. 23.10.2017
11	Shodaan Market, Punjabi Basti, Sultanpuri Road, Nangloi	Falls under the jurisdiction of Rohini Zone.	

5. In view of the aforesaid submissions, it appears that the encroachment has already been removed by the respondents, as prayed for in the writ petition and so far as the development of the area is concerned, it is a policy decision required to be taken by the respondents. The said policy decision for the development of the area in question has already been taken place. Hence, we see no reason to interfere with the same policy decision of the respondents for the development of the area

in question. The policy decision is based upon a notification dated 7th February, 2007, published in the Gazette of India by Ministry of Urban Development. Hence, we see no reason to monitor this case any further. Accordingly, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 21, 2019

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