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

Date of decision: 14th November, 2019

+ W.P.(C) 13213/2018

PANCHSHILA CO-OPERATIVE HOUSE
BUILDING SOCIETY

..... Petitioner

Through: Mr. Ashim Shridhar, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Harsha Peechara, Adv. with
Ms. Kriti Sinha, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

14.11.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

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

“(a) Direct the Respondent South Delhi Municipal Corporation to conduct a survey check of the properties in Panchsheel Park for violations of Mixed Use Regulations of MPD-2021 in running Professional, Commercial or Other Activity

(b) Issue necessary directions to the effect that in all cases where commercial or mixed use in Panchsheel Park Colony is being permitted by the Respondent either afresh or existing, the Petitioner Resident Welfare Association be

represented and its objections/representations be taken into account

(c) Direct the Respondent South Delhi Municipal Corporation to take appropriate action, under Para 15.9 and Para 15.11 of the MPD-2021, against the Properties being put to mixed use without fulfilling the conditions and criterion given under Para 15 of the MPD-2021, in a time bound manner.

(d) Pass any other and further orders as the Hon'ble Court may deem fit under the facts and circumstances of the case in favour of the Petitioner and against the Respondents."

2. Having heard learned counsel for both the sides and looking to the status report filed by the respondent, it appears that there are violations of the regulations of Master Plan for Delhi-2021 (hereinafter referred to as "MPD-2021"), by the owners of some properties in the Panchsheel Park area, Delhi. It is submitted by the counsel for the petitioner that there are 39 owners/occupiers of the properties who are using their premises unauthorizedly and therefore survey of the said properties should be conducted by the respondent and thereafter sealing notice be issued to the violators of the aforementioned regulations of the "MPD-2021".

3. Learned counsel for respondent submitted that they have filed a detailed status report by way of an affidavit and it is stated therein that they have already issued notices to the owners/occupiers of the said properties who are violating the regulations of MPD-2021.

4. It is also submitted by learned counsel for respondent that out of 39 properties, the uses of 17 properties are found in accordance with the rules and regulations of "MPD-2021". So far as 8 properties are

concerned, violations have been removed by the owners/occupiers and they have brought the use of their properties within the permissible limits of MPD-2021 and for rest of the properties, notices have been issued.

5. Thus, the respondent has already initiated action against remaining 14 properties whose uses are found in violation of “MPD-2021”. .

6. In view of the above, we hereby direct the respondent to continue to take requisite action against the users/occupiers/owners of the properties, who are violating the regulations of MPD-2021, in accordance with law, rules, regulations and Government policies, applicable to the facts and circumstances of the case, after giving an adequate opportunity of being heard to the users/occupiers/owners of the properties.

7. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 14, 2019/dsn