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

+ W.P.(C) 3316/2020 & CM APPL. 11634/2020

A.G KRISHNA MENON & ORS. Petitioner

Through: Mr. Sanjay R. Hegde, Senior Adv. and
Mr. Ankit Yadav, Adv.

versus

UNION OF INDIA & ORS. Respondent

Through: Mr. Kirtiman Singh, CGSC with Mr.
Rohan Anand, Adv.

CORAM

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **01.06.2020**

Issue notice. Mr. Kirtiman Singh accepts notice on behalf of respondents No.1 & 2.

The petitioners have preferred the present writ petition to seek the following reliefs:

“a.) Issue a Writ in the nature of mandamus or any other Writ/Order/Direction thereby quashing “No-objection” granted by the Respondent No. 2 herein, being the Central Vista Committee, to the proposed New Parliament Building in its meeting dated 23.04.2020, which is reflected in the minutes of that meeting circulated on 30.04.2020 and all consequential actions taken thereto; and

b.) Issue a Writ in the nature of mandamus or any other Writ/Order/Direction thereby directing the contesting Respondents, being Respondents No. 1 and 2, to ensure that for

the consideration of any proposal in the future, all the procedures are duly followed and the minutes of its meetings also correctly record all the discussions and/ or reasons for any decision; and”

The petitioners have themselves disclosed in the petition that in respect of the primary subject matter, namely, the proposed modification/ alteration of land use in the Central Vista and proposed change of land use for construction of the proposed Parliament, earlier proceedings were preferred before this Court vide W.P.(C) 1568/2020 and L.P.A. No. 119/2020– from which a Special Leave Petition was preferred (SLP(C) Diary No. 8430/2020), and the same is pending considering before the Supreme Court. The order passed by the Supreme Court on 06.03.2020 has also been placed on record by the petitioners, which reads as follows:

“Heard learned counsel for the parties.

*In our opinion, it is just and proper that writ petition itself is heard by this Court instead of examining the grievance about the manner in which the interim directions have been passed and then vacated by the High Court. Indeed, this order is not a reflection on the proceedings before the High Court, in any manner, **but in larger public interest, we deem it appropriate that the entire matter pertaining to challenge pending before the High Court is heard and decided by this court expeditiously.***

*We are given to understand that there is one more writ petition pending before the High Court involving the same issue. Accordingly, **Writ Petition Nos. 1568 and 1575 of 2020 pending before the High Court of Delhi shall stand withdrawn to this Court and be registered as Transferred Cases, to be heard along with the present Special Leave Petition on 18.03.2020.***

Letters Patent Appeal No. 119 of 2020 before the High Court stands disposed of in terms of this order. Any steps taken by the

authorities, in the meantime, will be subject to the outcome of the proceedings.

Liberty is granted to both sides to file additional documents.

The Registry shall forthwith call for the case records of Writ Petition Nos. 1568 and 1575 of 2020 from the High Court.”

(emphasis supplied)

Admittedly, the present petition also relates to the same primary issue, and challenges the “No Objection” granted by respondent No.2 to the change of land use in the Central Vista, including the change of land use for the proposed new Parliament Building, on 20.03.2020. The petitioners themselves state that despite pendency of matter before the Supreme Court, and despite the order dated 06.03.2020 passed by the Supreme Court – which states that any steps taken by the authorities, in the meantime, will be subject to the outcome of the proceedings pending before the Supreme Court, respondent No.1 has issued the notification allowing change in the land use in the Central Vista, including the change in land use for proposed New Parliament Building. The petitioners state that they are not challenging the said notification in view of pendency of proceedings before the Supreme Court, but the manner in which the said “No Objection” has been granted by respondent No.2.

In the light of the aforesaid, it is clear to us that the present petition is not maintainable before this Court since the entire issue with regard to Re-development and Re-designing of the Central Vista is pending consideration before the Supreme Court. The manner in which respondent No.2 has granted its “No Objection” cannot be separated from the comprehensive challenge raised in the earlier round, which is still pending consideration before the Supreme Court. In our view, the petitioners should approach the

Supreme Court even in respect of the grievances raised in the present petition.

Accordingly, on instructions, Mr. Hegde submits that the petitioners would withdraw the present petition and move the Supreme Court.

Dismissed as withdrawn.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JUNE 01, 2020

B.S. Rohella