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

Date of decision: 5th February, 2020

+ W.P.(C) 413/2020

**ALL INDIA BHRASHTACHAR VIRODHI
MORCHA (REGD.) AND ANR.**

..... Petitioners

Through: Mr. S.D. Windlesh, Adv.

Versus

**NORTH DELHI MUNICIPAL
CORPORATION AND ORS.**

..... Respondents

Through: Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advs. for NDMC

Mr. Mr. Amit Mahajan, CGSC with
Mr. Gitesh Chopra, Adv. for
respondent nos. 4, 18 and 19

Mr. Abhinav Sharma, Adv. for
respondent nos. 5 and 8

Mr. Samuel David, Adv. for
respondent no. 6

Mr. Digvijay Rai and Mr. Aman
Yadav, Advs. for respondent no. 7

Ms. Mahima Sinha, Adv. for
respondent no. 10

Mr. Harish Malhotra, Sr. Advocate
with Mr. Rajender Agarwal, Mr. B.K.
Khurana and Mr. Anoop Kumar,
Advs. for respondent no. 11

Mr. Rajiv Nayar, Sr. Advocate with
Ms. Meghna Mishra, Mr. Ankit and
Mr. Sumit Malhotra, Advs. for
respondent no. 13-17

Mr. P.K. Bhalla, Adv. for Mawana
Sugars Limited

Mr. Rajiv Bansal, Sr. Advocate with
Mr. G.S. Oberoi, Ms. Parul Panthi,

Mr. Anant Nigam, Mr. Rajat Sejwal
and Mr. Ankur Sharma, Advs. for
DDA

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
% **05.02.2020**

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 413/2020

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

“A. for issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or any other Writ thereby directing the respondent No. 3 to place on record certified copy of all original documents and details of the land to ensure that the land retained by respondent No. 9 to 12 and land taken over by respondent No 3 on 22.10.2003 (S.I.E.L.) 07.03.2005 & 30.04.2005 (DCMSCL), 12.07.2007 (HIL) and 25.02.2013 (G.D RATHI STEEL) tallies with Warrants of Possession issued by District Judge, Tis Hazari, Delhi in execution case No. 162/2000 along with lay out plans in favour of respondent No 3 and against respondent No 9 to 12 as ordered by Hon'ble Supreme Court in orders dated 10.05.1996 in IA 22 in WPC 4677 of 1985 and 28.04.2000 in IA 129 in IA 22 in WPC No. 4677 of 1985; and

B. for issuance of Writ/ Order/ Direction in the nature of Writ of Mandamus or any other writ thereby directing the respondent no.8 AND/OR 18 to investigate -

(i) the sale deed of 1964 between DDA and DCM Group pertaining to 181.04 acres ;of land allotted for

establishment of factories of DCM Group at Shivaji Marg, New Delhi-15.

(ii) the sale deed Of 1992 between HIL & SFFI/SIEL(Now Mawana Sugar Ltd.)

(iii) the sale deed of 2005 between SIEL & Shivaji Marg Properties,

(iv) the two sale deeds dt. 11/01/2007 and 14/12/2007 respectively between DCMSCL and IRAMA Estates Pvt. Ltd. and between DCMSCL & BES Buildcon Pvt. Ltd; and

C. For issuance of Writ/Order/Direction in the nature of a writ of mandamus or any other writ thereby directing the respondent No.8 and/or 18 to investigate the loss of revenue to the Govt. exchequer due to inadequacy of consideration shown in sale deed Regn. No. 689 dt. 11.01.2007 Book No.1, vol. No. 14418 on pages from 1 to 10 registered by SR-II of Janakpuri, New Delhi pertaining to 59% land area of 37.95 acres sold by DCMSCL to M/s IRAMA Estates @ Rs. 50,00,00,000/- (Fifty Crores) and another 50% of the same land was sold by same DCMSCL to M/s. BES Buildcon Pvt. Ltd. vide sale deed dated 14.12.2007 Regd. at 24541 in Book No. 1, Vol. No. 15322 on pages 1 to 24 by same SR-II Janakpuri, Delhi 110058 for Rs. 837,00,00,000/- (Eight Hundred Thirty Seven Crores), and

D. for issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or any other Writ thereby directing the. respondent No 8 and/or 18 to investigate two Rectification Deeds dated 16.07.2009 Regd. at S. No. 11618 in Addl. Book No. 1 Vol. No. 16036 on page No. 36 to 38; and Rectification Deed Regd. at S. No. 11655 in Addl. Book No. 1 Vol.No. 16937 on page No. 49 to 51, by SR-II of Janakpuri, Delhi 110058 changing the land use from Residential to Industrial use in violation to provisions pertaining to change of land use, and also to determine the area of land in hectares or-acres out of 38 acres particularly, institutional (school and its playground), residential and industrial land; and

E. for issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or any other Writ thereby directing the

respondent No.18 to investigate sale deed of 12.27 acres of land by respondent No 12 I.e. Shriram Foods and Fertilizers Industries (SFFI) An -1992 to Respondent No 10. i.e. Hindustan Insecticides Ltd. (HIL), and documents pertaining to sale of 27.00 acres of land by respondent No. 12 (SIEL) to Respondent No'. 17 (M/s. Shivaji Marg properties in 2005 and registered by SR-II Janakpuri, Delhi 110058; and

F. for issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or any other Writ thereby directing the respondent No 1-3 to quash the orders granting the unjustified 1.5 extra FAR granted to respondent No 9 to 15 by DDA/MCD; and

G. Issuance of Writ/Order/Direction in the nature of a Writ of Mandamus or any other Writ thereby directing the respondent No.3 to withdraw the illegal Memorandum of Understanding dated 08.07.2015 entered by DDA (Respondent No.3) with DLF Home Developers (Respondent NO.15) as a result of which the 128.95 acres of land taken over from three industries (DCMSCL/SIEL/HIL) which are now being used exclusively for promotion of developers/builders projects without any open access to general public at large and

H. For issuance of Writ/Order/ Direction in the nature of Mandamus or any other Writ thereby quashing the various approvals/permissions/ sanctions/ resolutions issued unjustifiedly in respect of respondent Nos. 9-17 for use of retained land violating the provisions of MPD and Supreme Court of India order dated 10.05.1966; 28.04.2000, and 25.03.2010 in WPC No. 4677 of 1985 to make Delhi a better place for inhabitation for public; and

I. for issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 1 to 8 to re-inspect the constructions made by respondents Nos.13 to 17 on the retained lands of respondent Nos. 10 to 12 in the presence of petitioners or their nominees and report the unauthorised constructions made thereupon in violation of SC orders and also Delhi Master Plan 2021, Zonal

Plans and Building Bye Laws; sanctions/resolutions and the law of the land to this Hon'ble Court; and

J. For issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 1 to 3 to demolish the unauthorised made by respondent nos. 9 to 7 in violation of Supreme Court orders dated 10.05.1996, 28.04.2000, 25.03.2010 and also Delhi Master Plan 2021, Zonal Plans and Building Bye Laws; sanctions/resolutions and the law of the land; and

K. For issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 1 to 3 to stay further construction of two towers of flatted factories having height of 70 mtrs. being constructed by respondent no. 15 at 15, Shivaji Marg, New Delhi-15 till approval given by local and other statutory authorities are reviewed by this Hon'ble Court keeping in view of the Supreme Court orders dated 10.05.1996, 28.04.2000 and 25.03.2010; and

L. For issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 5 to investigate the Fire Safety Certificates issued for all 23 towers including 5 EWS Towers and report violation committed in such approvals to this Hon'ble Court for issue of appropriate Orders as deem fit by this Hon'ble Court; and

M. For issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 4 to investigate the Environment Clearance Certificate issued in 2008 for this project and report violations committed in such approval to this Hon'ble Court for issue of appropriate Orders as deem fit by this Hon'ble Court; and

N. For issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 8 not to register any sale/purchase/transfer documents of flats in respect of 23 High Rise Towers and 5

Economic Weaker Section Blocks till the issue of unauthorized construction is decided by this Hon'ble Court, and

O. For issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 3 (DDA) to quash the Memorandum of Understanding dated 08/07/2015 between DDA and DLF Home Developers Ltd. and thereafter to provide access to the area of 129 acres by general public by throwing open different gates in all directions (North, South, East, West) as is normally done in cases of different District Parks of DDA in Delhi, and

P. For issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 6(DUAC) and 7(AAI) to investigate its illegally granted approvals/sanctions/permissions to respondent nos. 13 to 16 and report violations committed in such approvals to this Hon'ble Court for issue of appropriate Orders as deem fit by this Hon'ble Court .

Q. For issuance of Writ/ Order/ Direction in the nature of a Writ of Mandamus or of any other type of Writ thereby directing the respondent No. 19 (DGCA) to investigate whether the height clearance given by respondent no. 7 (AAI) to this project was as per rules and submit the report for perusal of this Hon'ble Court for necessary orders.”

2. The present writ petition has been preferred in respect of different industries. It appears that the land referred to in this writ petition was originally owned by the respondent nos. 9 to 17 for establishment of industries and pursuant to certain orders passed by various courts, part of the land was surrendered and rest was retained by them.

3. The petitioners have different grievances against different respondents qua alleged sale of land allotted for establishment of industries. The allegations raised in this petition against respondent no. 9 to respondent no. 17 differ with each other. Hence, we are disposing of this writ petition with

liberty given to these petitioners to file separate petition for each industry without prejudice to the rights and contentions of the respondent nos. 9 to 17. Nothing will be treated as an admission of facts neither by the petitioners nor by the respondents.

5. With these observations, this writ petition is disposed of.

CM Appl. No.1123/2020

1. In view of the order passed in the writ petition, this application is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

FEBRUARY 05, 2020

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