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

% *Decided on: 26th March, 2021*

+ LPA 136/2021

NAHARPUR YUVA SHAKTI RWA Appellant
Through: Mr.Anand Yadav, Adv. with
Mr.Virendra K.Singh, Ms.Anita Tomar, Advs.
Versus

UNION OF INDIA & ORS. Respondents
Through: Mr.Rajiv Bansal, Sr.Adv. with
Mr.Dhanesh Relan, Ms.Jasmeet Kaur Ajimal,
Mr.Paritosh Dhawan, Advs. for DDA.
Mr.T.S.Nanda, Adv. for R-2/GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JASMEET SINGH

JUDGMENT

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

1. Being aggrieved and feeling dissatisfied with the order dated 16th March, 2021 in W.P.(C) No.11775/2019, the original petitioner has preferred the present appeal.
2. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the appellant is in search of stay order against the auction proceedings conducted on 24th April, 2019. The said auction is already completed by the respondent/DDA for the plots in question referred to in the memo of the writ petition.
3. It further appears from the facts of the case that the plots in question are residential plots and are auctioned by the DDA for the benefit of public at large, in terms of the layout plan for the area in question.

4. Initially stay was granted by the learned Single Judge vide order dated 8th November, 2019 and now, the same has been vacated by the impugned order dated 16th March, 2021 and hence, this LPA has been preferred by the original petitioner.

5. Learned counsel for the appellant submits that the learned Single Judge in W.P.(C) No.1188/1987 directed that DDA must provide sufficiently large parks around the village abadi, but none has been provided. The learned counsel further submits that the park should be in area not less than 1200 sq. meters each but DDA has nowhere stated that where the said parks have been provided.

6. We see no reason to entertain this appeal, mainly for the following reasons:-

- i) *Prima facie* as per the Layout Plan, the plots in question are residential plots. Part of the layout plan is already placed on record in the writ petition before the learned Single Judge.
- ii) As the auction has already been completed and the persons who participated in the auction has deposited the money, stay could not have been continued by the learned Single Judge especially for the facts stated in paragraph-18, 24 and 25 of the impugned order dated 16th March, 2021 passed by the learned Single Judge.
- iii) *Prima facie*, it further appears from the facts of the case that there are delay and laches on the part of the petitioner as stated in para-24 and 25 of the impugned order dated 16th March, 2021.
- iv) Looking to the layout plan which is at Annexure R-2(Colly.) to

the status report filed by the respondent in the writ petition pending before the learned Single Judge, there are as many as seven parks for the area in question which is popularly known as Sector-7 Rohini Residential Scheme.

- v) Moreover, in the vicinity of the area in question, there are already two sports complexes in existence, which are as under:-
 - a) Rohini Sports Complex,
 - b) Rashtriya Swabhimani Khel Parisar
- vi) It further appears from the facts of the case that the appellant is approaching the Court time and again for the very same relief. Earlier also, petition was preferred, thereafter LPA was also preferred by the DDA being LPA No.77/1994 and the stay granted for the auction of the residential plots was vacated vide order dated 19th August, 2008 in LPA No.77/1994. Thus, previously also, attempt was made to stall the auction proceedings and to stop further development of the area in question which was not permitted by this Court.

7. These aspects of the matter has been rightly appreciated by the learned Single Judge while vacating the stay vide impugned order dated 16th March, 2021 in W.P.(C) No.11775/2019. No error has been committed by the learned Single Judge while passing the impugned order. We are in full agreement with the reasons given by the learned Single Judge for vacating the stay.

8. The writ petition is still pending before the learned Single Judge for further hearing.

9. In view of these facts and reasons, there is no substance in this LPA

and the same is, accordingly, dismissed with costs of Rs.5,000/- to be deposited by the appellant with the Delhi State Legal Service Authority within four weeks from today. The aforesaid amount shall be utilized for the programme 'Access to Justice'.

10. A copy of this order be sent forthwith to the Member Secretary, Delhi State Legal Services Authority, Patiala House Courts, New Delhi.

CHIEF JUSTICE

JASMEET SINGH, J

MARCH 26, 2021

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