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

+ **W.P.(C) 8412/2024 & CM APPL. 34691/2024**

**FEDERATION OF SARITAVIHAR RESIDENT WELFARE
ASSOCIATION** Petitioner

Through: **Mr. Pawan Kumar Choudhary,**
Advocate

versus

UNION OF INDIA AND ORS Respondents

Through: **Ms. Hetu Arora Sethi, ASC, GNCTD**
with **Ms. Kavita Nailwal, Advocate**
for R-2 to 5 and R-7 and 8

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Date of Decision: 01st June, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present writ petition has been filed as a Public Interest Litigation ('PIL') seeking a direction to the Respondents to suspend construction activity at the place earmarked for car-parking at the '336 bedded Semi-Permanent/Temporary ICU Hospital at Sarita Vihar, Government Hospital Site, Sarita Vihar, New Delhi' ('Hospital Site'). In addition, the Petitioner seeks a direction to Respondents to construct adequate parking space at the Hospital Site before operating the same.

2. The Petitioner is stated to be a Society which has members from the



Residents Welfare Associations ('RWAs') of each block of Sarita Vihar.

3. Learned counsel for the Petitioner states that the project for development of a 100 bedded hospital began in the year 2018-19. He states that in the year 2020-21, Respondents redesigned the hospital to increase its bed capacity to 300. He states in 2021-22, the project was further modified to enhance the capacity to 336 beds with 296 car-parking spaces.

4. He states that on 24th May, 2022 the Petitioner wrote a letter to the area MLA, requesting him to persuade the Respondents to enhance the car-parking spaces, so as to avoid road congestion. He states that in fact, the MLA *vide* letter dated 01st July, 2022, addressed a communication to Respondent No. 4, highlighting the concerns of the residents. He states that the Petitioner herein, as well issued a legal notice to Respondent No. 4 on 15th May, 2023, raising the issue of deficient parking spaces.

5. He states that Respondents in April, 2023 modified the scope of the project without seeking statutory approvals including the environmental clearance. He states that the Petitioner had instituted a case before the National Green Tribunal i.e., O.A. No. 570/2023 on the grounds that appropriate environmental clearance has not been obtained. He states that the said petition was subsequently withdrawn with liberty to file again. He states, however, the grounds on which the said O.A. was filed, did not survive in view of the decision of the Respondents to abandon the changes proposed in April, 2023 and the decision to revert the project for its user as approved in 2021-22.

6. He states that on 18th March, 2024, Petitioner noticed that 85% of the building has been constructed. He states, however, no construction for the 296 car-parking spaces is noticeable at the site. He states that the Petitioner



has issued a Legal Notice dated 18th March, 2024 to Respondents herein, raising its concerns with respect to non-provision of car-parking space in contravention of the sanctioned building plan. He states that however, no response has been received from Respondents to the aforesaid Notice dated 18th March, 2024 till date. He states that the said hospital is scheduled for opening on 31st May, 2024.

7. Having heard the learned counsel for the Petitioner and having perused the record, we dispose of the present petition with a direction to Respondent No. 4 to dispose of the representation made by the Petitioner through its Legal Notice dated 18th March, 2024, by a speaking order in accordance with law within four weeks. Pending applications stand disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JUNE 1, 2024/msh/MG

Click here to check corrigendum, if any