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

+ **W.P.(C) 16770/2023 & CM APPL. 67541/2023**

ABDUL AZIZ

.....Petitioner

Through: Mr. Viraj R. Dattar, Sr. Adv. with Mr. Imran and Mr. Shaif Ahmed Khan, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASG with Mr. S. Harsha Peechara, Adv. along with Mr. Kritiman Singh, CGSC and Mr. Amit Gupta, Mr. Vinay Yadav, Mr. Saurabh Tripathi, Mr. Akshat Kulshreshtha, Mr. Shubham Sharm, Mr. Vikramaditya Singh and Mr. Rajeev Khatana, Advs. for R-1/NDMC.

Mr. Arun Panwar, Adv. for R-6 along with Mr. Chander Kumar Singh, DCP Traffic and ASI Devender Singh, Parvi Officer Traffic.

Mr. Sanjay Ghosh, Sr. Adv. with Mrs. Farhat Jahan Rehmani and Mr. Firoz Iqbal Khan, ASCs along with Mr. Monis Faridi, Mr. Murshlin Ansari and Mr. Rohan Mandal, Advs. for R-8.

Mr. Sanjay Jain, Sr. Adv. with Ms. Palak Jain, Ms. Harshtia Sukhija, Advs. with Mr. Chander Kumar Singh, DCP.



CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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24.07.2024

1. The instant petition has been filed seeking the following reliefs:

“(a) an appropriate Writ of Certiorari to quash the public notice published in newspaper on 24.12.2023 issued by Chief Architect, New Delhi Municipal Council, New Delhi; and

(b) an appropriate Writ of Mandamus directing the respondents not to cause any harm to the Sunehri Bagh Masjid(heritage building enlisted in GRADE-III at sl. No.4), 45/1, Sunehri Bagh Road, near Udyog Bhawan, New Delhi”

2. Mr. Dattar, learned senior counsel appearing for the petitioner, after making brief submissions, contends that he has already raised detailed objections with respect to public notice dated 24.12.2023. He, therefore, submits that if the concerned Authority is directed to decide all his objections in accordance with law, he would seek liberty to withdraw the instant petition.

3. Mr. Chetan Sharma, learned ASG appearing for respondent-NDMC on the other hand, submits that at this stage, there arises no cause in favour of the petitioner as the concerned Authority is already seized with the main issue and not only the objections of the petitioner but all the similarly raised objections by umpteen number of applicants shall be considered in accordance with law.

4. A perusal of the notice would indicate that the respondent-NDMC had invited objections and has invoked provisions of Sections 202 & 207 read with Section 11 clause (n) and (p) of the New Delhi Municipal Council Act, 1994 and Annexure-II, Clauses 1.16 and 1.3(h) of Unified Building Bye



Laws- 2016 before taking any final decision.

5. For the sake of clarity, public notice dated 24.12.2023 reads as under:

“New Delhi Municipal Council (NDMC), under Section 202 & Section 207, both to be read in conjunction with Section 11 clause (n) and (p), after having received reference from Delhi Traffic Police for providing traffic engineering proposal to ensure sustainable mobility in the vicinity of roundabout of Sunehri Bagh, has applied to Heritage Conservation Committee (HCC) for Removal of Sunehri Masjid (Grade-III Heritage building, listed vide Notification dated 01.10.2009 of GNCTD), under Annexure-II, Clause 1.16 of Unified Building Bye Laws- 2016. Objections and suggestions are invited from the general public in terms of Unified Building Bye laws- 2016, Annexure-II, Clause 1.3(h). The objections and suggestions can be submitted by email up to 5.00 PM by 01.01.2024 on the following email ID.chief.architect@ndmc.gov.in”

6. It is thus seen that at this stage, the concerned Authority has to deal with the objections/suggestions which were invited in pursuance of the public notice, strictly in accordance with law.

7. Since there is no dispute with respect to the consideration of those objections, therefore, at this stage, the Court takes on record the submissions made by Mr. Sharma, on instructions, that the objections will be considered in accordance with law.

8. Reserving all rights and contentions in favour of the respective parties to be raised at an appropriate stage, the petition stands disposed of as withdrawn alongwith the pending application.

PURUSHAINdra KUMAR KAURAV, J

JULY 24, 2024/P