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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 25.02.2026

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W.P.(C) 4592/2023 & CM APPL. 17550/2023**SAJHA MANCH**

.....Petitioner

Through: Mr. Manmohan Singh, Mr. Varun Mudgil, Mr. Sourabh Singh Tomer, Mr. Rakesh Kumar, Ms. Garima Anand & Ms. Eti Kushwaha, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Ms. Manika Tripathy, SC with Mr. Ashutosh Kaushik, PC, Mr. Aakash Mohar and Mr. Saksham Singh, Advocates for DDA.
Mr. Akshay Amritanshu, SPC with Mr. Abhay Nair, Mr. Mayur Goyal, Mr. Sarthak Srivastava, Advocates for Respondent No.2/UoI.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****Devendra Kumar Upadhyaya, CJ (Oral)**

1. Heard the learned Counsel for the Parties.
2. This Public Interest Litigation Petition has been filed with the following prayers:

“a) Issue an appropriate writ, order or direction in the nature of mandamus to the Respondent/s to consider the Petitioners’ request for conducting physical hearing for all the stake holders including

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the Petitioner for giving suggestions & objections pertaining to the Draft Master Plan for Delhi-2041; and to redraft the MPD-2041 in conformity with suggestions, objections and the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959; &/or

b) Issue an appropriate writ, order, or direction to the Respondent/s, to publish all primary surveys and baseline studies undertaken in the preparation of the Draft MPD-2041 and make them publicly available; &/or

c) Issue an appropriate writ, order, or direction to the Respondent/s, to call all the records and documents pertaining to the Draft MPD-2041; &/or

d) Issue an appropriate writ, order, or direction to the Respondent/s, to publish all the Zonal Development Plans as part of the Draft MPD-2041 and make them publicly available; &/or

e) Issue an appropriate writ, order, or direction to the Respondent/s, to make publicly available the review of the performance of the previous Master Plan for 2021 (MPD-2021) as provided for under the Monitoring Framework for Development (Table 18.1, Master Plan for Delhi-2021, ANNEXURE P-11); &/or

f) Issue an appropriate writ, order, or direction to the Respondent/s, to evaluate the success or failure all pilot projects undertaken in the previous Master Plan (MPD-2021) period before including those projects as schemes or programmes in MPD-2041; &/or

g) Issue an appropriate writ, order, or direction to the Respondent/s, to make specific provisions for protecting livelihoods (as documented in the Delhi Economic Survey of 2021) and include a financial plan in the Draft MPD-2041; &/or”

3. Prior to filing the instant Writ Petition, the Petitioner had filed W.P.(C) 3578/2022 where the grievance that the Petitioner was not heard in the consultation exercise carried out by the Delhi Development Authority (“DDA”) for drafting the Master Plan for Delhi 2041 (“MPD-2041”). Certain other prayers were also made in the said Writ Petition. The Petition



was finally disposed of by the learned Single Judge by means of an order dated 02.03.2022 providing therein that the said Petition shall be treated as the Petitioner's representation for due consideration by the Drafting Committee.

4. It is on record that in compliance of the order dated 02.03.2022 passed in the earlier Writ Petition filed by the Petitioner, a Special Meeting of the Board for Enquiry and Hearing ("BoEH") was held on 13.06.2022 to consider the Writ Petition filed earlier as its representation. Thereafter, the BoEH submitted its representation on the objections / suggestions and submitted the modified Draft MPD-2041 for placing the same before the Authority for its approval. It is also on record that a meeting of the Authority was held on 28.02.2023 and approval to the draft plan was accorded by the Authority *vide* Minutes dated 06.04.2023. It is also informed that the Draft MPD-2041 has been forwarded to the Ministry of Housing and Urban Affairs, Government of India on 13.04.2023 for approval and issuance of the final notification. The additional affidavit was filed on 15.01.2024 mentions the aforesaid developments which took place after the order on 02.03.2022 was passed by this Court on the earlier petition filed by the Petitioner.

5. It appears that after the said order, certain contempt proceedings were initiated by the Petitioner by instituting the CONT.CAS(C) 219/2023. The said Contempt Petition was, however, permitted to be withdrawn with liberty to the Petitioner to file an appropriate Petition for seeking substantive reliefs against the DDA. From a perusal of the order dated 22.02.2023 passed in the aforesaid Contempt Petition, it appears that the Contempt Petition was withdrawn by the Petitioner for the reason that certain correspondences and letters were received by the Petitioner on 20.06.2022



and 22.08.2022. It further appears to us that the Contempt Petition was withdrawn by the Petitioner while also considering the statement made by the learned Counsel for the Respondent therein that there was no direction in the judgment dated 02.03.2022 which can be said to have been violated by the DDA enabling the Petitioner to maintain the contempt proceedings.

6. After withdrawal of the CONT.CAS(C) 219/2023 on 22.02.2023, the instant Petition has been filed.

7. If we minutely scrutinize the prayers made in the Petition, what appears to us is that the Petitioner is seeking to raise certain objections against the Draft MPD-2041 and also intends to incorporate his suggestions.

8. The preparation of the master plan has been provided for under Sections 7, 8 and 10 of the Delhi Development Act, 1957 (“**Act**”) read with the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959, (“**Rules**”) especially Rule 13 of the Rules.

9. It casts a duty on the DDA to carry out the civic survey and prepare a Master Plan for Delhi. Sub-Section 2 of Section 7 provides as to what all the Master Plan shall contain. Section 7(2)(b) provides that Master Plan shall serve as a basic pattern of framework within which the zonal development plans of the various zones may be prepared. Section 9(2) of the Act provides that as soon as may be every plan after its preparation shall be submitted by the DDA to the Central Government for approval and the Government may either approve the plan without modifications or with such suggestions as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions. Section 10 prescribed the procedure to be followed in preparation and approval of the plans. According to the scheme contained in Section 10 of the Act, the DDA is



required to prepare a plan in draft before submitting it to the Central Government for approval. The media is also required to publish such a plan by making a copy thereof available for inspection and publishing a notice in such form and the manner as may be prescribed inviting objections and suggestions from any person with respect to the draft plan. Sub-Section 2 of Section 10 of the Act casts a duty on the Authority to give opportunity to every local authority to make a representation with respect to the plan. In terms of Section 10(3), the Authority shall prepare the final draft plan after considering all objections, suggestions and representations that may be received and thereafter, shall submit it to the Central Government seeking its approval. In terms of Section 11, the plan, if approved, by the Central Government, shall be published immediately along with publishing a notice stating that the plan has been approved and also naming the place where a copy of the plan may be inspected at all reasonable hours.

10. In exercise of its powers conferred on the Central Government under Section 56(1) of the Act, 1957, the Rules have been framed. The Rules prescribed a detailed procedure to be followed for preparation of master plan. In terms of Rule 5, after the draft master plan is prepared, the DDA is required to publish a public notice stating therein that the master plan has been prepared and it may be inspected by any person and also that suggestions and objections in respect of the draft master plan may be filed by any person. Rule 6 provides the mode of publication of the public notice. Rule 7 prescribes the notice to the local authorities inviting representations from them. Rule 8 speaks about the formation of the appointment of the Board for enquiry and hearings. It states that the DDA for hearing and considering any representation, objection or suggestion to the draft master



plan, shall appoint a Board consisting of not less than 3 and not more than 5 members of the Authority. The Board has been power to co-opt not more than 2 members from amongst the Advisory Council. Rule 9 provides that after expiry of the period permissible under the rules for making objections, representations and suggestions, a date or dates shall be fixed for hearing by the Board of any person, or a local authority in connection with any objections, representations and suggestions in respect of the draft master plan. On conclusion of such enquiry as contemplated in Rule 9, the Board is required to submit a report of its recommendations where after in the Rule 11, the DDA after considering the report of the Board and any other matter which may be deem fit shall prepare finally the master plan and submit it to the Central Government for its approval. Thus, the master plan so prepared or any amendment therein becomes effective only on its approval by the Central Government.

11. Sections 7, 9, 10 and 11 of the Act are extracted herein below:

“7. Civic survey of, and master plan for, Delhi.—(1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for, Delhi.

(2) The master plan shall—

(a) define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

[(3) The master plan may provide for any other matter which is necessary for the proper development of Delhi.]”



9. Submission of plans to the Central Government for approval.—

(1) In this section and in sections 10, 11, 12 and 14 the word “plan” means the master plan as well as the zonal development plan for a zone.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Central Government for approval and that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

10. Procedure to be followed in the preparation and approval of plans.—

(1) Before preparing any plan finally and submitting it to the Central Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Authority shall also give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Central Government for its approval.

(4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.

(5) Subject to the foregoing provisions of this section the Central Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section.

11. Date of operation of plan.—Immediately after a plan has been approved by the Central Government, the Authority shall publish in



such manner as may be prescribed by regulations a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice the plan shall come into operation.”

12. It is also apposite to extract the rules 5, 6, 7, 8, 9, 10 and 11 of the Rules, 1959 which read as under:

“5. Public Notice regarding preparation of Master Plan

(1) As soon as may be after the draft master plan has been prepared, the Authority shall publish a public notice stating that -

(a) the draft Master Plan has been prepared and may be inspected by any person at such time and place as may be specified in that notice;

(b) suggestions and objections in writing, if any, in respect of the draft master plan may be filed by any person with the secretary of the Authority within 90 days from the date of first publication of the notice.

(2) This notice may be in Form A appended to these rules without modification with such modification as may be necessary.

6. Mode of Publication of Public Notice

The Authority shall cause the said notice to be published in the manner prescribed by section 44 of the Act and may also cause it to be published in the Official Gazette.

7. Notice to and representation from local authorities

The Authority shall cause a copy of the notice referred to in rule 6 to be sent to every local authority within whose limits any land touched by the plan is situate, and such local authority may, within a period of 90 days from the date of the notice make any representation with respect to the plan to the Authority.

8. Appointment of Board for enquiry and hearing

(1) The Authority shall, for hearing and considering any representation, objection and suggestion to the draft master plan, appoint a Board consisting of not less than 3 and not more than 5 members of the Authority:



Provided that such Board shall have powers to co-opt not more than 2 members from amongst the members of the Advisory Council.

(2) No business of the Board shall be transacted at any meeting unless at least three members are present from the beginning to the end of the hearing.

9. Enquiry and hearing

The secretary shall, after the expiry of the period allowed under these rules for making objections, representations and suggestions fix a date or dates for hearing by the Board of any person, or local authority in connection with any objection, representation or suggestion made by such person or local authority in respect of the draft master plan and shall serve on the local authority or any person who may be allowed a personal hearing in connection with such representation, objection or suggestion to the draft master plan, a notice intimating the time, date and place of the hearing:

Provided that the Board may disallow personal hearing to any person, if it is of the opinion that the objection or suggestion made by such person is inconsequential, trivial or irrelevant.

10. Report of Enquiry

The Board shall after the conclusion of its enquiry, submit to the Authority a report of its recommendations.

11. Preparation of final draft Master Plan and its submission to Central Government

The Authority shall, after considering the report of the Board and any other matter it thinks fit, finally prepare the master plan and submit it to the Central Government for its approval."

13. Accordingly, on analysing the scheme in the Act and also in the rules, as above quoted, what we find is that there is a particular stage where opportunity is to be given to any member from the public as also to the local authorities for making objections and suggestions to the draft master plan. At the time when the earlier writ petition was instituted by the Petitioner



which was disposed of by means of an order dated 02.03.2022, the hearing etc. had already been concluded by the Board constituted under Rule 8 of the Rules. These facts are even noticed by the Court in its order dated 02.03.2022. However, considering the significance of the master plan, the Court directed consideration of the Writ Petition as a representation of the Petitioner which too has been considered by the Board constituted under Rule 8 of the Rules even after the Board had already made its recommendations. The report based on decision on the representation of the Petitioner in terms of the order dated 02.03.2022 has also been sent to the Authority which after proving the final draft master plan has sent it to the Central Government seeking its approval to be accorded in terms of requirement of Section 9 of the Act and Rule 13 of the Rules.

14. Any liberty to the Petitioner, or for that matter, any other member of the public to either give suggestion or raise objection to the final draft master plan, in our considered opinion, would be in violation of the scheme as envisaged under the Act and the Rules. For the aforesaid reason, we are not inclined to interfere in this Writ Petition. So far as the submission made in the Writ Petition that for the purposes of providing opportunity of effective hearing and making objections / suggestions to the members of the general public, certain vital documents have not published by the Authority before fixing the date of hearing, we may only observe that if that is the ground, the same can avail till the master plan is approved by the Central Government. We have already noticed that finally prepared draft master plan by the DDA is not the final master plan, it is subject to approval by the Central Government which in terms of the provisions contained in Section 9(2) of the Act can approve the draft master plan as submitted by the DDA



in its totality or the Central Government can approve it with modifications as may be considered necessary or even the master plan can be rejected outrightly by the Central Government with the direction to the Authority to prepare a fresh master plan according to the directions of the Central Government.

15. For the reasons stated above, any opportunity to the Petitioner at this juncture for raising the issues which have been raised in the Writ Petition would tantamount to interfering in the statutory scheme as provided for preparation of the master plan in the Act and the Rules. Accordingly, we are not inclined to entertain this Petition. The Petition is hereby dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 25, 2026/ 'A'