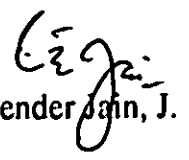



Sr. No.	Date	Orders
		<p>25-01-2006</p> <p>Present : Mr.Manzoor Ali Khan for the petitioner. Mr.O.P. Saxena for respondent no.1/MCD.</p> <p><u>CM 970/2006</u></p> <p>Allowed subject to just exception.</p> <p>+ <u>WP (C) No.1050/2006</u></p> <p>*</p> <p>In view of the order passed in WP (C) No.4582/2003 entitled <u>Kalyan Sanstha Social Welfare Vs. Union of India & Ors.</u> no further orders are required as the prayer of the petitioner for direction to MCD to publish information about 18299 unauthorised buildings on the MCD's website, has already been passed in the aforesaid writ petition.</p> <p>The writ petition stands disposed of.</p> <div style="text-align: right;">  Vijender Jain, J. </div> <div style="text-align: right;">  Rekha Sharma, J. </div> <p>January 25, 2006 SA</p>
Signature Not Verified Digitally Signed By: AMULYA Signing Date: 19.09.2025 12:25 Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.		

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ WP(C) 4582/2003

KALYAN SANSTHAN SOCIAL WELFARE ORGANIZATION

....Petitioner

Through: Mr.R.P.Sharma, Advocate.

versus

UOI & ORS.

..... Respondents

Through: Mr.Sachin Datta, Advocate for UOI
Mr.Ajay Verma, Advocate with
Mr.Mukesh Kumar, Advocate for DDA
Mr.S.K.Sharma, Advocate for Mr.Paras
Chaudhary, Advocate for NDMC.
Mr.Sachin Yadav, Advocate for
Mr.V.K.Tandon, Advocate for GNCT of Delhi
Mr.Ajay Arora and Mr.Kapil Dutta,
Advocates for MCD.
Mr.Satyendra Kumar, Advocate for
Ms.Beenashaw Soni, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% 26.09.2011

1. The Kalyan Sansthan Social Welfare Organization filed a writ petition drawing attention of this Court to rampant unauthorized constructions effected by the land owners in Delhi. It was prayed that on such lands which are held on lease hold tenure, where unauthorized constructions have been raised beyond compoundable limits, the lease deed should be

cancelled. It was prayed that non-compoundable unauthorized constructions be ordered to be demolished and steps be taken to prosecute such persons who were involved in the scam.

2. Taking cognizance of the rampant unauthorized constructions going on in Delhi and expressing a prima facie opinion that this was not possible without connivance of the engineering staff of the Municipal Corporation of Delhi, a Monitoring Committee consisting of lawyers was constituted and from time to time directions were issued to the Municipal Authorities with respect to such facts which were brought to the notice of this Court by the Lawyers' Committee.

3. Order dated 10.9.2008 notes the history of the journey traversed by the writ petition. It was opined in the same order that the system of monitoring through Court Commissioners had outlived its utility. Vide para 16, it was directed that a 'Nodal Steering Committee', consisting of Additional Commissioner (Engineering), The Chief Vigilance Officer, The Chief Town Planner and The Chief Law Officer would replace the Lawyers' Committee and the Nodal Steering Committee would monitor the overall working of municipal wards and officers to ensure that non-compoundable unauthorized constructions are demolished.

4. Various guidelines were laid down with respect to the manner in which the Nodal Steering Committee would work.

5. The Nodal Steering Committee has been working since 10.9.2008 and from time to time has been issuing directions to the Municipal Authorities to take action.

6. The problem is that whenever, on the directions of the Nodal Steering Committee, action is initiated, the person affected rushes to this Court and files a Civil Miscellaneous Application urging that either he has not been heard or that the decision taken by the Committee is wrong on facts.

7. Now, the question would be whether a continuous mandamus requiring supervision by this Court needs to be sustained any further in the instant writ petition or instant proceedings be terminated clarifying that individual grievances have to be raised by the aggrieved person by filing an independent petition or an appeal; as the choice of the person concerned.

8. The city of Delhi would continue to grow. Issue of unauthorized construction would arise from time to time. It would be impracticable to keep alive instant proceedings compelling individual grievances to be adjudicated through the medium of Civil Miscellaneous Applications in the instant writ petition. It would violate the Delhi High Court Rules which require writ petition questioning actions taken by Municipal Authorities to be litigated before a learned Single Judge.

9. The matter can be looked at from another angle. The mandamus issued by this Court constituting the Nodal Steering Committee would continue and decisions taken by the said Committee resulting in demolition actions initiated by the Municipal Authorities being questioned, with regard to the legality thereof, before a learned Single Judge. When the MCD is in a position to raise its head held high in pride and report to the

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Court that the menace of the unauthorized construction has been stopped in Delhi, it may move an application praying to this Court that the Nodal Steering Committee be scrapped as it has outlived its utility.

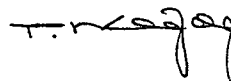
10. Though, we terminate the proceedings in the instant writ petition by declaring that all pending applications be treated as superfluous, the Nodal Steering Committee would continue to function till MCD were to seek dissolution thereof. Grievance if any, raised by the land owners would be brought for adjudication through properly constituted writ petitions or appeals before the Appellate Tribunal, MCD.

11. Needless to state, such grievances would be adjudicated as required by law i.e. on merits.

12. File be consigned to the record room.

13. No costs.

14. Dasti.



PRADEEP NANDRAJOG, J.


SUNIL GAUR, J.

SEPTEMBER 26, 2011
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