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

+ W.P.(C) 3245/2020 & CM APPL. 11317/2020 (Stay)

GRAM SUDHAR SAMITI (REGD) & ANR Petitioners

Through: Mr. Anand Yadav, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Mr. Sudhir Nandrajog, Senior Advocate
with Mr. Mukesh Gupta, Advocate for
NDMC.

Mr. Naushad Ahmed Khan, ASC for
GNCTD.

Mr. Anjani Kumar Singh, Advocate for
Intervenor.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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24.08.2020

The hearing was conducted through video conferencing.

CM APPL. 20115/2020 & CM APPL. 20215/2020 (Exemption from filing
attested affidavits and court fee)

1. Exemption allowed, subject to the condition that the petitioners will file the duly sworn/attested affidavits and the requisite court fee within 72 hours from the date of resumption of the regular functioning of this Court.
2. The application stands disposed-off.

CM APPL. 20114/2020 (by petr. for amendment of petition) & CM APPL.
20113/2020 (by petr. seeking directions to resp. for production of records)

3. Issue notice.
4. The learned counsel named above accept notice on behalf of the

respondents/non-applicants.

5. Notwithstanding the construction of additional platforms, the Corporation has ensured that the earlier facilities have been restored and made functional. The petitioner contends that the permission granted to the Corporation, to construct additional platforms for cremation, is a superfluous exercise and that it is without proper authority or order. Reference is made to section 155(2) of the Delhi Land Reforms Act, 1954.
6. The Court is of the view that for the time being, the Corporation may continue with other peripheral development however it may not construct the additional platforms. Augmentation of public halls, restrooms, and other facilities may be carried out.
7. Mr. Naushad Ahmed Khan, learned ASC for the GNCTD, submits that the aforesaid scheme for development was approved with the sanction of the Lieutenant General under Rule 176 of the Delhi Panchayat Raj Rules, 1954, which reads as under:

“Rule 176. Transfer of immovable property vested in the Gaon Panchayat: The Gaon Panchayat shall not transfer otherwise than by way of lease, without a premium any immovable property vested in it except with the previous approval of the Chief Commissioner in case its value exceeds five hundred rupees and on such conditions as the Chief Commissioner may approve and in other cases sanction of the Deputy Commissioner with such conditions as he may impose shall be necessary.”

8. Mr. Sudhir Nandrajog, learned Senior Advocate for the Corporation, submits that the Corporation is in rightful possession of the said land, which has already been earmarked as a cremation ground.

9. The moot question is whether the decision to augment the facilities is based on relevant data. Let an affidavit, supported by appropriate records, be filed within three days. An advance copy is to be supplied to the learned counsel for petitioner, who may file a reply by 03.09.2020. Rejoinder to be filed before next date.
10. List on 09.09.2020.
11. Interim orders to continue, except as modified hereinabove.
12. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

NAJMI WAZIRI, J

AUGUST 24, 2020

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