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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 590/2006

SOCIETY FOR SAFE STRUCTURES

.....Petitioner

Through: Mr. Anil K. Aggarwal,
Advocate through video
conferencing.

versus

U.O.I & ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

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07.05.2025

C.M. Appl. No. 27727/2025 (for early hearing)

1. The present application has been filed by the Petitioner for preponement of the date fixed in the month of May, 2025 or by holding a special session during the ensuing summer vacations.
2. The present petition has been filed seeking the following reliefs:-

“A. to issue a writ of or in the nature of mandamus and/ or any other appropriate writ, order or direction declaring that Delhi Development Act, 1957 is defunct and has since expired one year after commencement of Part IXA of the Constitution that is with effect from 01-06-1994 being inconsistent with provisions of Part IXA of the Constitution and is no more an enforceable piece of legislation;

B. to issue a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction declaring that the following, amongst other, activities of the respondents in exercise of authority carried out by Delhi Development Authority within the scope of Delhi Development Act, 1957 or otherwise since after 01-06-1994 are illegal and ultra vires the Constitution, that is the

- i) activities related to preparation and revision of master and zonal development plans and ensuing MPD 2021;
- ii) activities related to development of land and grant of permission



for development of land;
iii) activities related to regulation of land use;
iv) activities related to grant of permission for erection of buildings and regulation of construction/ erection of buildings;
v) activities related to acquisition and disposal of land, auction and allotment of land and residential and commercial buildings and space;
vi) activities related to levying of betterment charges etc. and accordingly all effects thereof be declared null and void;

c. to issue a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction directing the Respondents to enforce the provisions of article 243W and Schedule XII appended thereto with respect to constitutional power, authority and responsibilities of the municipalities in Delhi that is Municipal Corporation of Delhi and New Delhi Municipal Council to carry out i) urban planning and town planning and ii) regulation of land use and construction of buildings listed in this order under the aforesaid Schedule;

D. to issue a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction directing the respondents to make and enforce provisions for creation of Committee for District and Metropolitan planning for NCT of Delhi in accordance with constitutional provisions under article 243ZD and 243ZE under Part IXA thereof in accordance with constitutionally granted powers, authority and responsibilities of Municipalities;

E. to issue a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction directing the respondent Union of India and Municipal Corporation of Delhi to exercise their respective powers to restore the legitimate legal and statutory rights of the people and their right to natural justice in the matter of erection of buildings as envisaged under Chapter XVI of the DMC Act, 1957;

F. to issue a writ of or in the nature of mandamus and/ or any other appropriate writ, order or direction directing the respondent Union of India and Municipal Corporation of Delhi to enforce the provisions of Chapter XVI of DMC Act, 1957 for effective regulation of construction of buildings for safe and secure urban environment as part of the constitutional duties of the municipalities as envisaged under article 243W and Schedule XII of the Constitution;

G. to issue, without prejudice to Prayers as above, a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction declaring that since its inception in year 1957 Delhi Development Authority is not conferred with any power and



authority under clause (e), (h) and (i) of sub-section (1) of section 57 of Delhi Development Act, 1957 to make provisions for seeking applications for permission for erection including repair, additions and alterations of buildings or to issue any certificate of completion permitting occupation of buildings being ultra vires the Delhi Development Act, 1957 and repugnant to the Constitution and DMC Act, 1957 and be restrained accordingly;

H. to issue, without prejudice to Prayers as above, a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction declaring that Delhi Development Authority is not conferred with any power and authority under clause (e), (h) and (i) of sub-section (1) of section 57 of Delhi Development Act, 1957 to make and publish any resolution for the purpose of making bye-laws relating to buildings and be restrained accordingly; and

I. consequently, to issue, a writ of or in the nature of mandamus and/ or any other appropriate writ, order or direction declaring the impugned Delhi Building Bye-laws of 1983 made and published under DD Act, 1957 to be ultra vires the Delhi Development Act, 1957 and repugnant to the Constitution and DMC Act, 1957 and accordingly to be declared null and void;

J. to issue a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction declaring the impugned Delhi Building Bye-laws of 1983 made under DD Act, 1957 and irrationally and unconscionably adopted and published under DMC Act, 1957 on the Ground X of this petition to be deficient and defective, uncertain and negative, irrational and illogical for the purpose of the Delhi Municipal Corporation Act, 1957 and accordingly to be declared null and void;

K. to issue a writ of or in the nature of mandamus and/ or any other appropriate writ, order or direction declaring that Municipal Corporation of Delhi for the Ground at XIV, amongst others, has no statutory right and authority to act under provisions of section 343 of Delhi Municipal Corporation Act, 1957 to demolish or otherwise remove any addition/ extensions carried out in the buildings constructed in 'development area' after obtaining impugned permission from DDA; and subsequently, be pleased to

L. to issue a writ of or in the nature of mandamus and/ or any other appropriate writ, order or direction directing the Municipal Corporation of Delhi to regularise the building erected in the I development area' on the basis of permission illegally granted by Delhi Development Authority;

M. to issue a writ of or in the nature of mandamlls and/ or any



other appropriate writ, order or direction directing the central government to constitute Committees on terms as set out at Ground XX of this petition, to formulate a scheme of urban improvement of I development area' in such manner and terms as provided under Chapter XXI of the Delhi Municipal Corporation Act, 1957; and as precursor to prayer at 51. Land M, in addition to Prayer at B, be pleased to

N. to issue a writ of or in the nature of certiorari and/or any other appropriate writ, order quashing the sanction/refusal to erection of buildings accorded by the De hi Develo ment Authority ever since year 1959 without jurisdiction in the matter;

o. to issue a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction declaring that Government of NCT of Delhi as well as Legislative Assembly of Delhi are not conferred with any power and authority whatsoever by the provisions of clause (a) under subsection (3) of Article 239AA as is also reflected under provisions of Chapter XVI, amongst others, of the Delhi Municipal Corporation Act, 1957, to legislate, to interfere or wield to any influence in the matters relating to land and buildings and be restrained accordingly;

P. Pass such other writ, orders or directions as this Hon'ble Court deems fit in the circumstances of the case and in the interest of justice including the costs of this petition.”

3. The hearing of the case is likely to take some time.
4. In view of the heavy Board of this Court and in view of the matters which have been specifically fixed for hearing in the month of May, this Court is not inclined to fix the date of hearing of this case in the month of May, 2025. The present petition is also not of such a nature that it needs to be heard in the ensuing summer vacations.
5. The application is, accordingly, dismissed.

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6. List on 02.07.2025, i.e., the date already fixed.

SUBRAMONIUM PRASAD, J



MAY 7, 2025/AK.

HARISH VAIDYANATHAN SHANKAR, J