

ITEM NO.30

COURT NO.1

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.1867/2006

MALIK MAZHAR SULTAN & ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION THROUGH
ITS SECRETARY & ORS.

Respondent(s)

(With IA No.52071/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No.51992/2023 - INTERVENTION/IMPLEADMENT and IA No.51919/2023 - INTERVENTION/IMPLEADMENT)

Date : 04-03-2024 These matters were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

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**UPON hearing the counsel the Court made the following
O R D E R**

- 1 On 15 February 2002, the Union Government in the Ministry of Urban Development and Poverty Alleviation (Land & Development Office¹) addressed a communication to the Chief Secretary of the Government of National Capital Territory of Delhi². By the communication, sanction of the President of India was conveyed to the allotment of land admeasuring 1428 sq. mtrs. (as shown in L&DO's Plan No 3944/1) of plot No 24, Deen Dayal Upadhyaya Marg at Rouse Avenue, New Delhi to GNCTD "for setting up of Family Courts in New Delhi on usual terms and conditions".

1 "L&DO"
2 "GNCTD"

- 2 On 18 September 2020, the Ministry of Housing and Urban Affairs of the Union Government (L&DO) addressed a communication to the Chief Secretary, GNCTD conveying the sanction of the President of India to the cancellation of the allotment of land admeasuring 1428 sq. mtrs. of plot No 24 and land admeasuring 1428 sq. mtrs. of plot No 23, Deen Dayal Upadhyaya Marg. In consequence, the President of India sanctioned the allotment of a 3.036 acre plot contiguous and adjacent to the Rouse Avenue District Court Complex (as shown in L&DO's drawing No 3963) to GNCTD in lieu of plot Nos 23 and 24 at Deendayal Upadhyay Marg for construction of additional court rooms.
- 3 In the meantime, it appears that by a communication dated 31 December 2015, the Public Works Department³ of GNCTD addressed a communication to the National Secretary of Aam Aadmi Party in regard to the allotment of space for a "temporary office building for party work". Responding to the request by the Aam Aadmi Party, it was stated that the Minister, PWD had allotted Bungalow No 206 at Rouse Avenue for the purpose in pursuance of the Cabinet Decision dated 6 October 2015 of GNCTD.
- 4 A Single Judge of the High Court of Delhi set aside the communication dated 12 April 2017, revoking the allotment of bungalow No 206 at Rouse Avenue and remanded the matter to Lieutenant Governor to pass a reasoned order after compliance with the principles of natural justice.
- 5 Following the order of the Single Judge of the Delhi High Court, it appears that a fresh communication was issued by the PWD of GNCTD on 13 June 2017, recording the revocation of the allotment to the political party.
- 6 Mr K Parameswar, counsel representing the High Court of Delhi has submitted that the statement which was made, as recorded in the previous order to the effect that the Aam Aadmi Party is an encroacher, is not

3 "PWD"

reflective of the position of the High Court. It has been submitted that the High Court is only concerned with the completion of its project which is to take place at the Rouse Avenue land and the political party may pursue its own remedies.

- 7 In view of the impending General Elections, we grant the Aam Aadmi Party time until 15 June 2024 to vacate the premises so that the land which has been allotted for the purpose of expanding the footprint of the district judiciary can be duly utilized on an expeditious basis.
- 8 In the meantime, we permit the Aam Aadmi Party which is represented in these proceedings by Dr Abhishek Manu Singhvi, senior counsel appearing with Mr Shadan Farasat, counsel, on their request, to move the L&DO in the Union Government for allotment of land. The L&DO shall consider the request for allotment in accordance with law and communicate its decision within a period of four weeks.
- 9 The High Court is in urgent need of the allotment of alternative premises for housing the new recruits for which court rooms are not available. The Court is apprised of the fact that the MTNL building which was earlier explored as an option has been found to be unsuitable. We direct the Chief Secretary of GNCTD to come out with an alternate proposal within a period of two weeks and communicate it to the learned Acting Chief Justice of the High Court of Delhi.
- 10 List the Petition 5 April 2024.

Writ Petition (Civil) No 432 of 2023

- 1 On mentioning, the matter is taken on Board.

- 2 List the Petition for directions along with IA No 45442 of 2024 in Civil Appeal No 1867 of 2006 on 11 March 2024.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar