

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.3032 OF 2012

MUNICIPAL CORPORATION OF DELHI

... APPELLANT

Versus

PARYA VARAN AVAM JANUTHAN MISSION (REGD. SOCIETY)
& ORS.

... RESPONDENTS

WITH

CIVIL APPEAL No.3033 OF 2012

O R D E R

The Court is convened through Video Conferencing.

These two appeals assail the judgment dated 18.11.2009 passed by the High Court of Delhi, in exercise of its PIL jurisdiction, whereby Municipal Corporation of Delhi (in short, 'MCD') has been restrained from constructing an Indoor Basketball Stadium on the land of Ajmal Khan Park, located in Karol Bagh in the hub of West Delhi. The High Court has further curtailed the utilisation of subject area for the purpose of marriage or other social functions.

The MCD was subsequently trifurcated into three Corporations, namely, North, South and East Delhi Municipal Corporation. Consequently, Ajmal Khan Park now falls under the jurisdiction of North Delhi Municipal Corporation (in short, 'NDMC').

The impugned judgment reveals that the genesis of the controversy lies in the import and mandate of Master Plan Delhi -

2021. The operation of the impugned judgment was stayed by this Court vide order dated 15.01.2010. In light of the said interim order, NDMC was at full liberty to complete the Indoor Basketball Stadium. However, in order to apprise the Court about the latest position of the construction, the Executive Engineer of the NDMC has filed an affidavit dated 10.02.2021, para 4 whereof reads as follows:

"That the impugned order of the High Court dated 18.11.2009 was stayed by this Hon'ble Court vide order dated 15.01.2010. However, the inspection of the Ajmal Khan Park shows that except for a few columns existing at the site, the Corporation could not build the Indoor Basketball Stadium due to paucity of funds. However, the Corporation reserves its rights to build the Stadium in time when the financial health of the Corporation improves."

It may thus be seen that the NDMC has at its own abandoned the project due to paucity of funds.

That being so, we do not deem it necessary to delve into the merits of the case. Suffice it to observe that the Master Plan Delhi - 2021 has nearly completed its life-line and a new Master Plan is stated to be in the process of finalisation. The competent authority, namely, the Ministry of Urban Development in consultation with Delhi Development Authority, NDMC etc. may therefore take a holistic view with regard to the utilisation of subject-site for a *bona fide* public purpose, in accordance with the new (upcoming) Master Plan. The directions issued by the High Court have also in due course of time outlived their utility and have become infructuous, with no binding effect on the authorities, who in turn are directed to take a fresh decision with regard to the future utilisation of the subject site.

It goes without saying that if any Residents Welfare Association/residents of the area or any other person/society is/are aggrieved by such fresh decision, they may approach the appropriate forum in *pro bono publico*. The issue so raised shall be examined independently without being influenced by the impugned

judgment of the High Court.

The appeals stand disposed of in the above terms.

.....J.
(SURYA KANT)

.....J.
(ANIRUDDHA BOSE)

NEW DELHI;
FEBRUARY 16, 2021.

ITEM NO.101 In Court 2 (Video Conferencing) SECTION XIV-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(s).3032/2012

MUNICIPAL CORPORATION OF DELHI

Appellant(s)

VERSUS

PARYA VARAN AVAM JANUTHAN MISSION (REGD. SOCIETY)
& ORS.

Respondent(s)

WITH

C.A. No.3033/2012 (XIV-A)

Date : 16-02-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s)

Mr. Sanjiv Sen, Sr.Adv.
Mr. Ameet Singh, Adv.
Ms. Pareena Swarup, Adv.
Mr. Raghvendra Shukla, Adv.
Mr. Soumo P., Adv.
Mr. Praveen Swarup, AOR

Ms. Rachitta Priyanka, AOR

For Respondent(s)

Ms. Aishwarya Bhati, ASG
Mr. A.K. Panda, Sr.Adv.
Ms. Binu Tamta, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. Mohd. Akhil, Adv.
Mr. Raj Bahadur Yadav, Adv.

Mr. Vineet Chadha, Adv.
Mr. Rajeev Kumar Jha, Adv.
Ms. Mahima Kalucha, Adv.
Mr. Shubham Awasthi, Adv.
Mr. Pranshu Kaushal, Adv.
Mr. Vivek Narayan Sharma, AOR

Mr. P. Parmeswaran, AOR

Mr. Puneet Sharma, Adv.
Ms. Kumud Nijhawan, Adv.
Mr. Ashwani Kumar, AOR

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

The appeals stand disposed of in terms of the signed
order.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(RAJ RANI NEGI)
DEPUTY REGISTRAR

(Signed order is placed on the file)