

Residence Welfare Association (Rahul ... vs Delhi Development Authority & Ors on 9 May, 2023

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 6071/2023
RESIDENCE WELFARE ASSOCIATION (RAHUL KUMAR VICE
CHAIRMAN AND MUSTAKIM PRESIDENT) Petitioner
Through: Mr Rahul Kumar, Petitioner-in-
person.
versus
DELHI DEVELOPMENT AUTHORITY & ORS Respondents
Through: Ms Manika Tripathy, Standing
Counsel with Mr Rishabh, Adv. for
R-1/DDA.
Mr Nitin Kumar, Adv. for R-2.
Mr Umesh Kumar Burnwal, SPC with
Mr Ashish Pratap Singh, Adv. for
R-3 & 4.

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU
ORDER

% 09.05.2023 [Physical Hearing/Hybrid Hearing (as per request)] CM Appl.23806/2023
[Application on behalf of the Petitioner seeking exemption from filing certified copies]

1. Allowed, subject to just exceptions.

W.P.(C) 6071/2023

2. The present Petition has been filed on behalf of the Petitioner/RWA through its Vice-Chairman/authorised signatory Mr. Rahul Kumar and President Mr. Mustakim, inter-alia, seeking the following relief:

"1. Direct the Respondent No. 1 to update the digital boundary line of UC993 either online/offline (Mansaran park block A, B, C, D, D1 & D1 Extension) as per the approval layout plan may by GNCTD."

3. This is the second round of litigation for the Petitioner. Previously, a Writ Petition being W. P. (C) 3587/2023, titled Rahul Kumar vs DDA & Ors. was filed, wherein this Court had by its Order dated 23.03.2023, directed the Respondents to treat the said Petition as a representation and pass a speaking order.

4. Mr Rahul Kumar, who appears in person in the Court today, submits that pursuant to the Order dated 23.03.2023 passed by this Court, the Respondent/DDA has passed an Order on 21.04.2023.
4.1 The attention of the Court has been drawn to the last paragraph of the Order which states:

"After a detailed examination, the Boundary Committee has concluded that the representation filed by Sh. Rahul Kumar, the petitioner cannot be considered due to following reasons -

1. Objections/feedbacks/comments have not been received from the RWA of UC 993 Mansaram Park through online portal within the stipulated period.
2. Sh. Rahul Kumar, the petitioner/applicant has represented his case offline in his individual capacity and not through RWA of UC 993 Mansaram Park.
3. As per para 4 of SOP dated 18.09.2019 "As far as possible, boundaries should be fixed at a physical feature, such as road, drain, etc, and plots beyond such physical feature can be excluded. Further efforts would be made to straighten out the boundaries, wherever possible."

Hence, the representation/objection of Shri Rahul Kumar, the petitioner [sic: petition] is disposed off accordingly."

4.2 Mr. Rahul Kumar submits that the directions of this Court to pass a speaking order have, in fact, not been complied with. However, without prejudice, the Petitioner has filed the present Petition on behalf of as the Residence Welfare Association (RWA).

5. Ms Manika Tripathy, learned Standing Counsel for the Respondent/DDA, submits that the DDA has examined the matter and has thereafter passed a detailed order dated 21.04.2023. She seeks some time to place necessary/additional documents in support of her contentions on record.

6. Issue Notice.

7. Learned Counsel who appears on behalf of the Respondents seek and are granted six weeks' time to file their respective Counter-Affidavit(s) in the matter.

7.1 Rejoinder thereto, if any, be filed before the next date of hearing.

8. List the matter for hearing on 05.10.2023.

TARA VITASTA GANJU, J MAY 9, 2023/r Click here to check corrigendum, if any