

# Kuldeep Singh Sahani & Ors vs Government Of Nct & Ors on 6 September, 2023

**Author: Subramonium Prasad**

**Bench: Subramonium Prasad**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
W.P.(C) 12986/2021, CM APPLs. 27304/2022  
KULDEEP SINGH SAHANI & ORS.

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GOVERNMENT OF NCT & ORS.

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W.P.(C) 12986/2021

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CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

OR

% 06.09.2023

1. This Court on 15.09.2022 passed the following Order:

1. Having heard Mr. Ralli, learned Senior Counsel appearing in support of the writ petition, Ms. Arora, learned Standing Counsel appearing for the Union of India, Mr. Gautam Narayan, learned ASC appearing for the Traffic Police, as well as Mr. Sannu, learned ASC who appears for NDMC, the Court notes that the principal controversy relates to 16 internal roads in the Sarojini Nagar colony which have come to be allegedly closed during the process of implementation of a redevelopment project which is being implemented by the National Buildings Construction Corporation Ltd. ["NBCC"].

2. Ms. Arora, learned Standing Counsel appearing for the Union, apprises the Court that the Union Government had only approved a broad outline and plan for the rejuvenation and redevelopment of various colonies in Delhi. Insofar as internal layout plans are concerned, Ms. Arora points out, that the Ministry of Urban Development had neither drawn nor finalized any such plans.

3. Mr. Sannu, learned ASC appearing for the NDMC, is in the absence of instructions presently unable to state categorically whether any directives had been issued by the said Corporation for closure of the 16 roads in question.

4. Mr. Narayan, learned ASC appearing for the Traffic Police, apprises the Court that it was NBCC which had approached the said authority for the grant of NOCs' for temporary closure of roads during the process of This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 16/09/2023 at 17:11:44 ongoing construction. It is his categorical submission that the officers of Delhi Traffic Police have not issued any directives for permanent closure of roads and in fact it had duly apprised NBCC that no existing roads are liable to be permanently closed or shut down. Mr. Narayan has also placed for the perusal of the Court the communications dated 27 June 2022 and 13 September 2022 in terms of which further information has been sought by the Traffic Police from NBCC in this regard.

5. Learned counsel appearing for NBCC has prayed for accommodation since the lead counsel is unavailable today. While the aforesaid request is granted, it prima facie appears that the blockade and closure of the 16 internal roads is an action taken by NBCC in the course of undertaking redevelopment work in the colony in question. It is this action which has led to the filing of the present writ petition, in which it is alleged that the residents of the locality have been seriously inconvenienced.

6. In view of the aforesaid, let NBCC file a comprehensive response explaining the justification of the action alleged to have been taken by it. A further affidavit shall also be filed by the NDMC dealing with the aforesaid issues.

7. Bearing in mind the fact that the Court is presently considering the entire matter, no justification arises for framing of directions for stoppage of construction work as suggested by Ms. Chandra, learned counsel appearing for the petitioners.

8. List again on 05.12.2022."

2. Learned Counsel for Delhi Traffic Police had stated that the Officers of the Delhi Traffic Police have not issued any directives for permanent This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 16/09/2023 at 17:11:44 closure of roads and had also apprised the NBCC that existing roads cannot be permanently closed or shut down.

3. Similarly, learned Counsel for Union of India had also submitted that Union of India had only approved a broad outline and plan for the rejuvenation and redevelopment of various colonies in Delhi and insofar as internal layout plans are concerned, the Ministry of Urban Development had neither drawn nor finalized any such plans.

4. Learned Counsel for NDMC had also submitted that in the absence of instructions, it is not possible to state categorically regarding any directives which had been issued by the Corporation for closure of the 16 roads in question.

5. Ms. Aishwarya Bhati, learned ASG appearing for NBCC, states that the Order dated 15.09.2022 was passed on the submissions made by the counsels who were probably not informed about the latest status as on that date as the approvals had already been taken by the NBCC which is reflected in the stand taken by the NBCC in the counter affidavit.

6. The learned Counsel for NDMC states that the counter affidavit had been filed by the NDMC prior to 15.09.2022. He draws attention of this Court to Paragraph Nos.6 and 7 of the said affidavit which deals with the lay out plan in respect of the redevelopment of Sarojini Nagar, New Delhi. He states that a decision was taken on 28.11.2021 that the NDMC has accorded the approval of the lay out plan in respect of the redevelopment of Sarojini Nagar, New Delhi comprising of construction of residential buildings, social infrastructures, Commercial Building, local shopping centres etc. However, the Architecture Department was further directed to organize a presentation by NBCC on the project for information of the members of the Council.

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7. Let a fresh status reports by the Union of India, Delhi Traffic Police, NBCC and the NDMC be filed stating the present position regarding the public roads and internal roads which are sought to be closed for giving access to Sarojini Nagar market. The Union of India is also directed to state in the status report regarding the approval of the plan for rejuvenation and redevelopment of Sarojini Nagar. The NDMC is also directed to state in the status report regarding the presentation by the NBCC for information of the members of the Council. The status report of the NBCC shall disclose as to whether the permission from NDMC was taken for the closure of internal roads leading to the Sarojini Nagar market or not.

8. List on 25.09.2023 at 04:00 PM.

SUBRAMONIUM PRASAD, J SEPTEMBER 06, 2023 S. Zakir This is a digitally signed order.

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