

DR. G.N. KHAJURIA AND ORS.

v.

D.D.A. AND ORS.

MARCH 18, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Delhi Development Authority—Development Plan—Area earmarked for park—Allotment to school—Challenge by residents—Supreme Court's direction for dismantling and vacation of school—Person responsible for deviation and illegal allotment—Fixation of responsibility—Conduct of enquiry—Report—Conduct of superficial enquiry deprecated—Person responsible managing and camouflaging the authority—After getting the plan approved introducing the allotment of site to school—Plan ultimately approved by Lt. Governor—In such circumstances directions issued to close the report.*

CIVIL APPELLATE JURISDICTION : I.A. No. 2.

IN

Civil Appeal No. 7933 of 1995.

From the Judgment and Order dated 8.3.94 of the Delhi High Court in C.W.P. No. 3812 of 1992.

G.K. Bansal for the Appellants.

J.D. Jain for the Respondents.

Gopal Subramaniam and Ms. Indu Malhotra for the D.D.A.

D.V. Sehgal, Pradeep Kr., Ms. Naina Kijriwal and Ms. Anil Katiyar for the Respondent No. 2.

The Order of the Court was delivered :

Time for vacating the school and dismantling the same as per the judgment of this Court, as prayed for, is extended till 30th April, 1996.

Though Shri D.S. Meshram, Chief Planner, Town and Country Planning Organisation, Government of India, Ministry of Urban Affairs and

Employment has submitted the report dated November 17, 1995. Unfortunately, he has not adverted to the impact of the order of this Court nor he brought to bear up the subject in that perspective. He has conducted only superficial enquiry and stated only what is apparent and nothing more. He should have subjected the enquiry to in depth scrutiny but failed to do that. His report is like that of a clerk putting up the note and nothing more. However, we have carefully gone through the record annexed to the report. From the record, it is clear that originally the area was earmarked for the park and there was no indication that it was intended to be allotted to any third agency in the land earmarked for the park. In fact, the Vice-Chairman also had pointed out time and again in that behalf. He had also issued notice to have the school vacated and the park preserved. Though notice pursuant thereto was given, no follow up action was, pursued. Resultantly, the residents had to take up the matter and ultimately succeeded in getting the order from this Court.

We tried to scan the person responsible for deviation and illegal allotment but it is difficult in the circumstances to pin point the actual person responsible in that behalf. He had skillfully managed and had camouflaged to have the authority after getting the plan approved introducing the allotment of the site to the school. Since the plan was approved ultimately by the Lt. Governor, it went under the carpet of official action. He has escaped from the clutches of law. Therefore, nothing can be done in the circumstances Report is accordingly closed.