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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

***Reserved on: 14.05.2026***
***Date of decision: 29.05.2026***
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\+ W.P.(C) 11283/2024, CM APPL. 46717/2024, CM APPL. 59819/2024, CM APPL. 59822/2024, CM APPL. 10311/2025, CM APPL. 47356/2025, CM APPL. 11954/2026, CM APPL. 18430/2026, CM APPL. 26420/2026, CM APPL. 26536/2026, CM APPL. 32355/2026 & CM APPL. 29021/2026

VASANT KUNJ RESIDENTS WELFARE ASSOCIATION SECTOR B POCKET 1 & ORS. ....Petitioners

Through: Mr. Ajay Verma, Senior Advocate with Mr. Shreyuss Shankar Joshi, Mr. Shresth Arya, Mr. Madhav Bhatia, Anisha Awasthi, Ms. Amisha Awasthi and Ms. Muskan Aggarwal, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI & ORS. .....Respondents

Through: Mr. Sanjay Kumar Pathak, SC with Mr. Sunil Kumar Jha, Mr. M.S. Akhtar, Ms. Kushagra Dixit, Advs. for R-1/L & B
Mr. Anurag Ahluwalia, Sr. Adv. with Ms. Devika Mohan, Mr. Aakash Sehrawat, Mr. Cyril, Mr. Dipanshu Gaba, and Mr. Dhruv Negi, Advs. for R-4 to 14.
Ms. Prabhsahay Kaur, SC with Mr. Aditya Verma, Advs. for DDA

Mr. Ajjay Aroraa, Sr. Adv. with Mr. Vikas Chopra, SC with Mr. Neeraj Kumar, Mr. Vansh Luthra, Advs. for R-3/MCD

\+ W.P.(C) 17433/2025, CM APPL. 72015/2025 & CM APPL. 18403/2026

MASONIC PUBLIC SCHOOL THROUGH ITS AUTHORIZED REPRESENTATIVE .....Petitioner

Through: Ms. Vibha Mahajan, Sr. Adv. with Ms. Eshna Kumar, Ms. Mahima, Mr. M. Poudiuwibou and Mr. Piyush Tandon, Advs.

versus

DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE CHAIRMAN & ORS. .....Respondents

Through: Mr. Anurag Ahluwalia, Sr. Adv. with Ms. Devika Mohan, Mr. Aakash Sehrawat, Mr. Cyril and Mr. Dhruv Negi, Mr. Dipanshu Gaba, Advs. for R-3.
Mr. Tushar Sannu, Standing Counsel wtih Mr. Fajallu Rehman and Mr. Vaibhav Tripathi, Advs. for MCD.
Ms. Prabhsahay Kaur, SC with Mr. Aditya Verma, Advs. for DDA

**CORAM:**
**HON'BLE MS. JUSTICE SHAIL JAIN**

**J U D G M E N T**

**SHAIL JAIN, J.**

1. **W.P.(C) No. 11283/2024**, titled ***'Vasant Kunj Residents Welfare Association, Sector-B, Pocket-1 & Ors. v. Government of National Capital Territory of Delhi & Ors.'***, has been instituted under Article 226 of the

Constitution of India by the Vasant Kunj Residents Welfare Association, Sector-B, Pocket-1, New Delhi (*"the Petitioner RWA"*), along with certain individual residents of the said colony, assailing the building sanction plan dated 13th May, 2024, (*"the impugned sanction"*) granted by the Municipal Corporation of Delhi (*"MCD"*) in favour of M/s R.R. Texknit LLP *("the Developer"*), for the construction of a Group Housing Society comprising nine upper floors with a stilt floor and three basement levels upon land bearing Khasra No. 1230/2 (New) [Old Khasra No. 2797/2026/1675], admeasuring 6 Bighas and 7 Biswas, situated at Sector-B, Pocket-1, Vasant Kunj Housing Scheme, New Delhi (*"the Subject Property"*).

2. In the present dispute, the Petitioners have asserted that the area as a whole was originally developed as a low-rise residential colony under the Vasant Kunj scheme and that the subject land, located within the residential pocket and connected through internal roads, could not lawfully be developed as a high-rise group housing project under the applicable planning norms and development regulations. The dispute further involves issues relating to road width and access norms, conformity with surrounding development, environmental clearances, civic infrastructure, ownership and acquisition status of the land, and the legality of the sanctions and approvals granted by the authorities.

3. The Respondents, including the planning and municipal authorities as well as the private developers, on the other hand, state that the subject land forms part of an integrated layout plan and that all requisite approvals, clearances, and sanctions were granted after consideration by the competent authorities in accordance with the Master Plan for Delhi-2021, the Unified

Building Bye-Laws-2016, and the Regulations for Enabling the Planned Development of Privately Owned Lands.

4. It is further relevant to note that a connected writ petition bearing **W.P.(C) No. 17433/2025**, titled ***Masonic Public School v. Delhi Development Authority & Ors.***, has also been instituted before this Court in relation to the very same proposed group housing project and the sanctions and approvals granted in respect thereof. The said petition has been preferred by Masonic Public School, (*hereinafter referred as "the School*") a Senior Secondary School situated within Sector-B, Pocket-1, Vasant Kunj, New Delhi, directly adjoining the Subject Property, which has similarly assailed the legality and validity of the impugned approvals and sanctions and raised grievances regarding the consequent impact of the proposed development upon the surrounding area and existing infrastructure. The School, *inter alia*, questions the permissibility of the proposed construction under the applicable planning framework and raises concerns pertaining to vehicular access, traffic circulation and congestion, adequacy of civic infrastructure, and compliance with the governing provisions of the Master Plan for Delhi-2021 and the allied regulations and bye-laws.

5. Accordingly, the present Petitions have been instituted *inter-alia* seeking adjudication on the validity of the impugned sanctions and approvals, the interpretation and applicability of the governing planning framework, and the rival claims of the residents, private developers, and statutory authorities in respect of the subject property.

6. Since it is an admitted position that both the present Petitions emanate from the same set of sanctions, approvals, layout-related decisions, and proposed construction activities concerning the subject property situated at

Sector-B, Pocket-1, Vasant Kunj, New Delhi; in view of the substantial overlap in facts, issues involved, parties, and reliefs sought, both the petitions are interconnected in nature and are accordingly being considered and adjudicated together by this Court.

**BRIEF FACTS:**

7. The brief background of facts leading to the filing of **W.P. (CIVIL) NO. 11283/2024** are as follows -

A. On 23rd January, 1965, land admeasuring approximately 4,820 bighas situated in Village Mehrauli, including the Subject Property, was notified for acquisition under Section 4 of the Land Acquisition Act, 1894. Subsequently, on 07th December, 1966, a declaration under Section 6 of the said Act was issued, which also included the Subject Property. Pursuant thereto, various awards came to be passed in relation to the acquired lands situated in the Village Mehrauli.

B. It is the case of the Petitioners that the Subject Property was specifically covered under the said acquisition proceedings and awards, and that the land was recorded as Gram Sabha land. According to the Petitioners, upon urbanisation of Village Mehrauli, the land vested in the Central Government and, thereafter, *vide* Notification dated 20th August, 1974 issued under Section 22(1) of the Delhi Development Act, 1957, the Gram Sabha land was placed at the disposal of the Delhi Development Authority (*"DDA"*).

C. The Petitioners further assert that the DDA thereafter formulated the "Vasant Kunj Residential Scheme" on 21st December, 1987, for the planned development of the area, including the Subject Property. While

the remaining portions of the scheme were developed and flats were allotted under DDA's Self-Financing Scheme, the Subject Property continued to remain vacant.

D. According to the Petitioners, the original layout plan contemplated development over the Subject Property in the form of:

a. flats bearing Nos. 1297–1312 and 1393–1424, comprising 48 SFS flats; and

b. green areas, lawns, and parking spaces.

E. The Petitioners state that the Subject Property was always treated as part of the integrated layout plan of Sector-B, Pocket-1, Vasant Kunj, and was expected either to be developed in accordance with the original DDA layout plan and scheme or to remain available as common green/open space and associated civic infrastructure.

F. It is also pertinent to note that a Resident Welfare Association under the name and style of "Vasant Kunj Residents Welfare Association, Sector-B, Pocket-1" had been constituted on 09th May, 1994.

G. The Respondents, however, assert that the Subject Property is a private and unacquired parcel of land situated within Sector-B, Pocket-1, Vasant Kunj, residential in land use, and owned and possessed by Respondent Nos. 4 to 14 and their predecessors-in-interest. According to the Respondents, the land was never acquired by the DDA, hence was denotified *vide* Notification dated 20th August, 1996, and subsequently remained excluded from the acquisition proceedings and awards pertaining to the Vasant Kunj Residential Scheme and has continuously remained under private ownership and possession.

H. It is further the case of the Respondents that the land originally belonged to one Shri Ram Dhan, who was declared *bhumidar* by virtue of a Judgment and Decree dated 30th July, 1974. Upon his demise, the land devolved upon his sons, whose names were subsequently mutated in the revenue records. The Respondents further state that during the years 1978–79, one Kartar Singh instituted a suit for injunction against the DDA, wherein the DDA undertook not to dispossess him except in accordance with due process of law.

I. In this regard, the Petitioners allege that Kartar Singh claimed ownership over the Subject Property on the premise that the land had not been acquired. Thereafter, in the year 1995, Respondent Nos. 4 to 14 allegedly purchased the Subject Property through a Sale Deed dated 05th April, 1995, pursuant to which mutation was also recorded in their favour.

J. Insofar as the challenges forming the subject matter of the present Petitions are concerned, it is an admitted position between the parties that Respondent Nos. 4 to 14 had, in the year 2008, applied to the Municipal Corporation of Delhi seeking sanction for the construction of a Group Housing Society over the Subject Property. The said proposal was initially rejected by the Standing Committee *vide* decision dated 23rd December, 2008. Aggrieved thereby, Respondent Nos. 4 to 14 preferred an Appeal before the Appellate Tribunal, MCD, which came to be allowed *vide* Order dated 07th December, 2012. The said Order was subsequently upheld by the learned District and Sessions Judge *vide* Judgment dated 16th July, 2016. Thereafter, Respondent Nos. 4 to 14 sought approval under the "Regulations for Enabling the Planned Development of Privately Owned Lands" notified on 04th July, 2018.

Pursuant thereto, the DDA and MCD processed and approved the layout plan and construction proposal pertaining to the Subject Property.

K. Aggrieved by the approvals and sanctions granted in favour of Respondent Nos. 4 to 14, the Petitioners have approached this Court seeking various reliefs in relation thereto.

> *"In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction in the nature of:-*
>
> *a) CERTIORARI, thereby quashing sanction dated 13.05.2024 [Annexure P- 1] granted by the Respondent No. 3 with respect to the development over the Subject Property being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;*
>
> *b) PROHIBITION, thereby restraining Respondent Nos. 1-3 from granting any further Sanction or approval with respect to any development over the Subject Property, being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;*
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> *c) CERTIORARI, thereby quashing the Minutes of the 368th Screening Committee Meeting as approved by the 368th Screening Committee Meeting dated 22.04.2019, and 370th Screen Committee Meeting dated 17.06.2019 in respect of the subject property [Annexure P-2 (Colly)], being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;*
>
> *d) PROHIBITION, thereby restraining the Respondents from permitting or actually raising of any construction on the subject property contrary to the brochure (Annexure P-1) and the original layout plan (Annexure P-2) demonstrated to the public by the Respondents;*

*e) MANDAMUS, commanding the Respondent No. 1 – 3 to restore the Subject Property, in terms of the promise as made through the brochure (Annexure P-7) and the layout plan (Annexure P-8) as demonstrated to the public by the Respondents;*

*f) CERTIORARI, thereby quashing the order dated 07.12.2012, passed by the Ld. PO, Appellate Tribunal, MCD allowed the appeal No. 24/AT/MCD/2009 (Annexure P-3) as well as the final order and judgment dated 16.07.2016 passed by the Ld. District and Sessions Judge in MCD Appeal No. 04/13 (Annexure P-4);*

*g) Issue any other writ/order/direction as this Hon'ble Court may deem fit in the facts and circumstances of the present case."*

L. Additionally, various interlocutory Applications have been filed in connection with the present proceedings, including CM APPL. 46717/2024 (seeking interim relief), CM APPL. 59819/2024 (for impleadment), CM APPL. 59822/2024 (seeking directions), CM APPL. 47356/2025 (for placing additional documents on record), and CM APPL. 11954/2026 (seeking modification of Order) in W.P.(C) 11283/2024, as well as CM APPL. 72015/2025 (seeking interim stay) in W.P.(C) 17433/2025. Amongst the aforesaid applications, this Court considers **CM APPL. 10311/2025, filed in W.P.(C.) 11283/2024 seeking amendment of the Petition**, to be of particular relevance, and the same is accordingly being considered along with the present Writ Petitions.

8. Furthermore, the connected writ petition bearing **W.P.(C) No. 17433/2025**, titled ***'Masonic Public School v. Delhi Development Authority & Ors.'***, has been preferred by Masonic Public School, situated within

Sector-B, Pocket-1, Vasant Kunj, New Delhi, catering to approximately 2,500 students and employing around 200 teaching and non-teaching staff. The School directly adjoins the Subject Property, shares a common boundary wall therewith, and the proposed construction is stated to be intended to be raised at a distance of merely 8 to 10 feet from the School's boundary wall.

9. It is relevant to note that the School's grievances with respect to access and congestion on the sole internal approach road are not of recent origin. The School had earlier instituted **W.P.(C) No. 1797/2016** before this Court seeking provision of an alternative vehicular access road. The said petition came to be disposed of on 21st January, 2025, with the Vice-Chairman, DDA, *vide* Order dated 30th August, 2024, directing only the provision of a pedestrian access from Aruna Asaf Ali Marg while retaining the existing internal road as the sole vehicular approach to the School.

10. The School further places on record certain incidents that have occurred on account of the congested state of the sole approach road, including an incident on 19th July, 2023, wherein a girl student using the internal approach road as a walking route was struck by a vehicle and sustained multiple grievous injuries, and an incident on 01st May, 2024, wherein a bomb threat necessitated immediate evacuation of the School premises, during which ambulances, fire tenders, and emergency response teams were unable to reach the School promptly on account of restricted access and congestion on the approach road. Additionally, on 10th October, 2025, the School was constrained to formally communicate to the Central Board of Secondary Education, ROD (East), its inability to serve as a Board Examination Centre for the 2026 Board Examinations, citing the noise, dust,

air pollution, and restricted access arising from the ongoing construction activity on the adjoining Subject Property. The School thereafter preferred the present Petition upon becoming aware of the impugned sanctions and approvals in September 2025, when construction activity was first noticed on the Subject Property.

11. In addition to the aforesaid set of facts, given below are the specific grounds taken up by the Petitioners to strengthen their claim-

**I. Violation of MPD-2021 and Planned Development Norms**

The Petitioners contend that the Subject Property does not satisfy the minimum 18-metre ROW requirement prescribed under MPD-2021 for Group Housing projects and that the authorities have wrongly relied upon wider peripheral roads serving the larger pocket rather than the roads directly abutting the Subject Property. It is further alleged that the proposed development is contrary to the original Vasant Kunj layout scheme and violates the Regulations dated 04th July, 2018 requiring conformity with the surrounding development pattern. According to the Petitioners, while the surrounding locality predominantly comprises low-rise DDA SFS flats of approximately 3–4 storeys, the impugned project contemplates substantially higher and denser construction, thereby fundamentally altering the planned character of the colony.

**II. Fraudulent Layout Plans and Illegality in the Approval Process**

The Petitioners further contend that misleading and manipulated layout plans were submitted in order to falsely depict independent access to the Subject Property and to incorporate existing DDA infrastructure

within the proposed project. It is alleged that the impugned approvals and sanctions were granted arbitrarily, without due application of mind and in collusion with private developers, rendering the entire approval process legally unsustainable.

**III. Legitimate Expectation, Civic Infrastructure and Constitutional Concerns**

The Petitioners state that residents purchased flats in the locality relying upon the DDA brochures and sanctioned layout plans representing the area as a low-density planned residential colony. It is contended that the subsequent alteration of the colony's character violates the doctrines of legitimate expectation, promissory estoppel and the guarantee of fairness under Article 14 of the Constitution. The Petitioners further submit that the proposed project would adversely impact the existing civic infrastructure, affect the easementary rights of residents and materially impair the environmental quality, habitability and overall residential equilibrium of the locality.

**IV. Environmental Violations and Challenge to Earlier Judicial Orders**

The Petitioners further contend that the project has proceeded without obtaining mandatory environmental clearances and without adequate environmental assessment in accordance with law. It is additionally contended that the earlier judicial orders concerning the Subject Property failed to properly consider the true character of the land and are therefore to be set aside, on being without jurisdiction.

12. In addition to the aforesaid set of facts, given below are the specific grounds taken up by the Respondents to strengthen their claim -

**I. Maintainability, Delay and Scope of Writ Jurisdiction**

Respondent Nos. 4 to 14 contend that the present writ petitions are not maintainable in view of the alternate statutory remedy available under Section 347B of the Delhi Municipal Corporation Act, 1957. It is further contended that the petitions suffer from gross delay and laches, as the ownership status of the Subject Property, the layout approvals and the judicial orders dated 07.12.2012 and 16.07.2016 had attained finality long ago. The respondents also submit that the Petitioners were not parties to the earlier proceedings and therefore lack *locus standi* to assail the same. It is further contended that the Subject Property is a privately owned and unacquired parcel of land and that disputes relating to title, acquisition or Gaon Sabha status involve disputed questions of fact not amenable to adjudication under Article 226 of the Constitution.

**II. Compliance with Planning Norms, Civic Infrastructure and Statutory Approvals**

The respondents maintain that the sanctioned project fully complies with MPD-2021, the Unified Building Bye-Laws, 2016 and the Regulations dated 04th July, 2018 governing privately owned lands. According to them, the prescribed 18-metre ROW requirement stands duly satisfied and was consciously examined by the competent planning authorities while granting approvals. It is further asserted that the Subject Property has consistently been designated for residential/group housing use and that the proposed development is

compatible with the broader planning framework of the Vasant Kunj Residential Scheme. The respondents also deny any adverse impact upon civic infrastructure and submit that all requisite permissions, sanctions and NOCs from the concerned statutory authorities have already been duly obtained, rendering the allegations regarding absence of environmental or statutory clearances wholly misconceived.

**III. Denial of Legitimate Expectation and Allegations of Mala Fides**

The respondents deny the Petitioners' claims founded upon legitimate expectation, promissory estoppel and alleged alteration of the character of the colony, contending that the original brochure and layout plan themselves contemplated residential/group housing use of the Subject Property. It is further alleged that the Petitioners have approached this Court with unclean hands despite the existence of widespread unauthorised constructions and encroachments within the colony and are merely seeking to obstruct a lawful and duly sanctioned development project.

## SUBMISSIONS OF THE PARTIES:

### Submissions on behalf of Vasant Kunj Sector-B, Pocket-1 Residents' Welfare Association (RWA) (Petitioner)

13. At the threshold, the Respondents have raised a preliminary objection to the maintainability of the present Writ Petition on the ground that an efficacious alternate remedy is available to the Petitioner under Section 347-B of the Delhi Municipal Corporation Act, 1957 ("DMC Act").

14. Learned Senior counsel for the Petitioner opposes the said objection vehemently and submits that the same is devoid of merit and is liable to be rejected for the reasons that alternate remedy is not an absolute bar. He relies upon the judgment rendered in ***Whirlpool Corporation v. Registrar of Trade Marks***, (1998) 8 SCC 1 and ***Harbanslal Sahnia v. Indian Oil Corporation Ltd.,*** (2003) 2 SCC 107, contending that the existence of an alternate remedy does not constitute an absolute or inviolable bar to the exercise of writ jurisdiction under Article 226 of the Constitution of India.

15. While relying upon the judgment rendered in ***Godrej Sara Lee Ltd. v. E&TOCAA,*** reported as (2023) 109 GSTR 402, the learned Senior Counsel has submitted that a distinction exists between the "maintainability" and the "entertainability" of a writ petition. It is contended that the present Writ Petition is maintainable, as it falls squarely within the recognised exceptions to the rule of alternate remedy. According to the learned Senior Counsel, the proposed construction directly imperils the fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India of more than 5,000 residents of the colony and that there has been a gross violation of the principles of natural justice, inasmuch as specific queries raised by the Building Planning Committee ("BPC") were allegedly never addressed and yet the sanction was mechanically granted. Lastly, it has also been contended in the aforesaid regard that the impugned orders are wholly without jurisdiction, having been passed in flagrant violation of the Master Plan for Delhi, 2021 ("MPD-2021"), the Unified Building Bye-Laws, 2016 ("UBBL-2016"), and the Private Land Policy.

16. Learned Senior counsel further contends that Section 347-B of the DMC Act provides a remedy only against limited classes of orders passed

under the DMC Act. The Appellate Tribunal for MCD ("ATMCD") is a court of limited and circumscribed jurisdiction. The present Petition specifically and inextricably challenges both the impugned Sanction dated 13.05.2024 passed by the MCD, and the 368th Screening Committee Minutes dated 22.04.2019 passed by the DDA under the Private Land Policy, which form the very basis and foundation of the impugned Sanction. He goes on to submit that the first prayer is entirely dependent upon and a direct consequence of later prayer. The ATMCD has no jurisdiction whatsoever to set aside, nullify, or adjudicate upon the correctness of Minutes passed by the DDA under the Private Land Policy, a regulation under which the DDA, and not the MCD, acts. The challenge to the DDA's Minutes can only be raised before this Court.

17. Furthermore, learned Senior counsel contends that the impugned Sanction is a composite decision resulting from the integrated and interlocked actions of the MCD, DDA, and other authorities. MCD has itself admitted in its Counter Affidavit that it acted merely as an implementing agency of the decisions taken by the DDA. The MCD's Building Plan Committee Minutes dated 21.03.2024 expressly refer to and rely upon the clarifications obtained from the DDA's Technical Committee, and it is only on that basis that the Sanction was approved. In support of his contentions, the learned Senior Counsel has relied upon the judgment rendered by Hon'ble the Supreme Court in ***TN Pollution Control Board v. Sterlite Industries (India) Ltd.,*** (2019) 19 SCC 479, contending that composite orders can only be challenged by way of a Writ Petition under Article 226 of the Constitution of India. Hence, Section 347-B of the DMC Act, which

addresses only MCD orders, cannot remedy the illegality and arbitrariness embedded in this integrated decision-making process.

18. Learned Senior Counsel also submits that in addition to the challenge to the sanction plan, the Petitioner also seeks reliefs including restoration of the Disputed Property in conformity with the original DDA Brochure and Vasant Kunj Scheme, reliefs that are entirely beyond the jurisdiction of the ATMCD under Section 347-B of the DMC Act. Such reliefs, grounded in the doctrine of legitimate expectation and the fundamental rights of the residents, can only be granted by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. While continuing his arguments, the learned Senior Counsel further submits that the area in question stood denotified on 20.08.1996, thereby divesting the DDA of jurisdiction. Upon denotification, all building-control powers vested in the MCD. Accordingly, any appeal under Section 31-C of the DDA Act would be incompetent.

19. As to the issue raised by the Respondent that another Writ seeking identical reliefs was filed before this court in which no relief was granted to the Petitioner and the same was dismissed; the learned counsel for the Petitioner submits that the very Writ being **W.P.(C) No. 352/2025** was filed by an individual resident who was not a member of the RWA Executive Committee, who filed that petition after the filing of the present Writ Petition, without disclosing the pendency of the present proceedings. The Single Judge dismissed that petition primarily on the grounds of forum hunting and concealment of material facts, specifically the non-disclosure of the present pending Writ Petition; and prematurity, inasmuch as the CEC had not yet given its finding on the Morphological Ridge character of the

land. He goes on to submit that both grounds are entirely inapplicable to the present Writ Petition. Furthermore, he added that the order dated 07.02.2025 in **LPA No. 92/2025** which was preferred against the dismissal of **W.P.(C) No. 352/2025**, expressly preserved the present proceedings and directed that the decision of the Expert Appraisal Committee would be subsumed in the other prayers of the writ petition filed by the RWA and that appropriate directions be passed by the Learned Single Judge in seisin of the said writ petition.

20. Learned Senior counsel also submits that there has been no inordinate or unexplained delay on the part of the Petitioner. The Petitioner became aware of the illegal and fraudulent obtaining of the sanction plan by Respondents No. 4 to 14 only recently, when ground-levelling activities commenced with the evident intent to begin construction. The necessary documents were obtained only through the RTI reply dated 24.07.2024 **(Application No. PIO/EE(B)/HO/RTI/D.270).**

21. As to the *locus* of the Petitioner, the learned counsel submits that the Petitioner RWA is responsible for the welfare and well-being of the residents of the colony. The proposed construction of a high-rise Group Housing Society in the midst of the colony will directly and adversely affect many rights of the residents including but not limited to the ingress and egress of residents, the easementary rights of residents residing in the immediate vicinity of the Disputed Property, the structural and environmental safety of the surrounding buildings and the fundamental rights of over 5,000 residents under Articles 14 and 21 of the Constitution of India.

22. After contesting and arguing the matter on maintainability and *locus* of the Petitioner, the learned Senior counsel shifted to argue on the merits and substance of the Writ. The primary and most assertive contention being that the land owners were never nor could have ever been the rightful owners of the subject property upon which the Respondents were carrying on construction.

23. Learned Senior counsel contends that the claim of Respondents No. 4 to 14 to title over the disputed property is legally untenable as their **Sale Deed dated 05.04.1995** traces title through an **order of the Revenue Assistant dated 30.07.1974**, purportedly declaring one Sh. Ram Dhan as *Bhumidhar*. This order is a nullity for the following reasons that Section 4 and Section 6 notifications under the Land Acquisition Act had been issued in 1965 and 1966 respectively, vesting the land in the State for acquisition purposes, upon urbanisation of Village Mehrauli in 1966, revenue authorities had ceased to exercise any jurisdiction under the DLR Act he added. Learned Senior counsel further contends that the *Gram Sabha* had been dissolved and its assets vested in the Central Government under Section 150 of the DLR Act and all the *Gaon Sabha* lands of 48 villages including Mehrauli had been placed at the DDA's disposal by Notification No. SO 2190 dated 20.08.1974.

24. In addition, the learned Senior counsel submits that once Section 4 and Section 6 notifications under the Land Acquisition Act have been issued in respect of a property, any decree or order passed by a Revenue Court in respect of that property is without jurisdiction and a nullity in law. He also submits that this was admitted by the Vice-Chairman, DDA himself in his affidavit dated 20.10.2014, wherein he acknowledged that Section 4 and

Section 6 notifications had been issued and that the property was *Gram Sabha* land, and that title was being claimed solely on the basis of the Revenue Court order, which order has not even been produced before this Court.

25. The further contention was that during the pendency of the present Writ Petition, it has emerged conclusively that the Disputed Property falls within the Morphological Ridge Area of Delhi. The Central Empowered Committee (CEC), *vide* its **Report No. 25/2025** dated 14.05.2025, has definitively held at Para 15 that:

> "*the majority of the 'subject land' falls within the 'Morphological Area'. Hence, the submission of Shri Rajiv Ranjan...that the 'subject land' falls within the Morphological Ridge Area is correct."*

26. The aforesaid finding of CEC was arrived at by reference to the E-Vanlekh portal of the Forest Department, GNCTD, the only objective basis for determination of Morphological Ridge status. In support of his contention, the learned Senior counsel has relied upon the judgment of this Court in ***Ashok Kumar Tanwar v. Union of India & Ors.,*** W.P.(C) No. 3339/2011, and on ***DDA v. Kenneth Builders and Developers Pvt. Ltd. & Ors.,*** Civil Appeal No. 5370/2016, of the Hon'ble Supreme Court, contending that land falling outside the demarcated notified ridge but bearing similar morphological features must be afforded the same protection as notified ridge land. No construction can be undertaken on such land without first obtaining clearance from the Ridge Management Board and the permission of the Hon'ble Supreme Court through the CEC.

27. In continuation to the above said contention, learned Senior counsel submits that the Private Land Policy, 2018 under which the DDA's Screening Committee purported to act itself excludes Ridge Areas from its application by virtue of Clause 3.2.4 thereof. The Minutes of the 368th Screening Committee dated 22.04.2019 are therefore wholly without jurisdiction on this fundamental ground alone, as the Disputed Property, being Morphological Ridge, falls beyond the scope of the Private Land Policy. He further adds that the order dated 12.08.2025 of the Hon'ble Supreme Court in **I.A. Nos. 159062/2025 & 159063/2025 in W.P.(C) No. 202/1995** cannot be construed as a judicial endorsement of the impugned Sanction Plan, for the reasons that the clearance granted by the CEC in its Report No. 25/2025 is expressly conditional upon compliance with all statutory permissions. Further, it is stated that the Environmental Clearance dated 13.01.2025 granted by Ministry of Environment, Forest and Climate Change (MoEFCC) specifically stipulates at Condition 1.1 that it is "*subject to the outcome of court cases in Hon'ble High Court, Hon'ble NGT and Central Empowered Committee"* and further requires the Project Proponent to seek clarification from the Ridge Management Board and, if applicable, obtain an NOC therefrom, and that the present Writ Petition is pending before this Court and the Environmental Clearance is itself made subject to its outcome. The Hon’ble Supreme Court's conditional order is therefore not a blanket endorsement but is itself qualified by the very statutory clearances that remain *sub-judice* he emphasized.

28. Learned Senior Counsel further argued that sanctions granted by the authorities could not have been granted as clause 4.4.3(B)(ii) of the Master Plan of Delhi, 2021 mandates that a plot proposed for Group Housing must

be facing a road with a minimum Right of Way ("ROW") of 18 metres. The 368th Screening Committee Minutes themselves expressly record that the Disputed Property is surrounded by 13-metre ROW roads on all three sides. The Respondents have sought to circumvent this mandatory requirement by taking the position that since the broader Sector-B, Pocket-1 is approached through a 24-metre ROW road, the entire pocket qualifies for Group Housing. This reasoning is manifestly fallacious and contrary to the express text of the MPD 2021, which requires the specific plot for which Group Housing is sought to be facing an 18-metre ROW and not merely the wider pocket or sector of which it forms a part. The application for Group Housing was being processed solely in respect of the Disputed Property, and the surrounding pocket was not the subject of the application he added. In the circumstances, the Respondents' attempt to project compliance by reference to approach roads of a larger pocket is illegal and *mala fide*.

29. It was further argued by the Senior counsel that the Standard Operating Procedure prescribed by the DDA for grant of permission for planned development of privately owned land under the Private Land Policy mandates, at Clause (xiv), that the applicant must produce "*Documentary proof for activities/uses existing on privately owned land existing prior to MPD-1962*." No such documents have been produced by Respondents No. 4 to 14, either before the DDA or before this Court. The impugned Minutes are therefore, defective and without jurisdiction on this ground as well. He also submits that Clause 8.2(a) of the UBBL 2016 independently mandates that any building shall abut a street or a space connected from the street by a hard-surface approach road having a width of at least 18 metres. The Disputed Property, accessible only through 13-metre internal colony roads,

fails to satisfy this requirement as well. The DDA's Technical Committee letter dated 10.01.2020, which provided a blanket clearance stating that the subject property is an integrated part of Sector-B, Pocket-1 and that there shall be no restriction on height, is directly contrary to both MPD 2021 and UBBL 2016. It is well-settled that in the event of a conflict between the UBBL 2016 and the MPD 2021, the Master Plan shall prevail.

30. Furthermore, learned Senior counsel argued that Clause 5.5 of the Private Land Policy mandates that land parcels with already approved schemes must be developed in conformity with the surrounding development. Clauses 4.1 and 4.4 similarly mandate that all development activity must conform to the existing development on the majority of adjacent and surrounding plots. The Disputed Property is situated in the midst of DDA SFS residential buildings uniformly not exceeding 3–4 storeys (approximately 12 metres) in height. The impugned Sanction, however, permits the construction of three towers of approximately 30–33 metres in height nearly three times the height of the surrounding structures. This is in blatant violation of Clause 5.5 and Clauses 4.1 and 4.4 of the Private Land Policy. Learned Counsel additionally submits that the DDA has itself admitted in its Counter Affidavit that the development control norms shall be as per clause 5.5 and that the statutory provisions of Para 5.5 shall be complied with. The impugned Sanction, in permitting 33-metre towers amidst 12-metre buildings, is even contrary to the DDA's own admissions.

31. As to the sanctions granted by MCD, learned Senior counsel for the Petitioner submits that MCD has granted the impugned Sanction under Section 336 of the DMC Act without first obtaining the approval of a layout

plan as mandatorily required under Sections 312/313 of the DMC Act. The approval of a layout plan under Section 312 is a *sine qua non* for the grant of any sanction under Section 336, therefore the impugned Sanction is void for non-compliance with this fundamental statutory prerequisite he adds.

32. Learned Senior Counsel further submits that Clause 11-A of the MPD 2021 prescribes a mandatory procedure for any modification to an existing approved layout plan. The Disputed Property sought to be incorporated into the existing layout plan of Sector-B, Pocket-1 amounts to a modification of that plan. No procedure as required under Clause 11-A was followed. The DDA had no authority to unilaterally declare the Disputed Property as an integrated part of the Sector-B, Pocket-1 layout plan without following this prescribed procedure.

33. It is also the contention of the Petitioner that the Building Planning Committee of MCD, *vide* its minutes/letter dated 01.10.2018, raised specific queries regarding the permissible height of the proposed building, the boundary wall requirement, and the minimum road width mandated under MPD 2021. These queries were never satisfactorily addressed. Despite the pendency of these unresolved queries, the MCD postponed grant of sanction *vide* its minutes dated 23.10.2019, seeking clarifications from the DDA. The DDA's Technical Committee, *vide* letter dated 10.01.2020, provided a generic and legally erroneous response, holding that there is no restriction on height directly contrary to Clause 5.5 of the Private Land Policy and MPD 2021. Notwithstanding these unresolved issues, the impugned Sanction was granted *vide* the Building Plan Committee Minutes dated 21.03.2024 in a mechanical manner, without application of mind. The

provisions of MPD 2021 were selectively applied to suit the Respondents' requirements, while other binding provisions were ignored and violated.

34. The learned Senior counsel also alleged that fraud and misrepresentation of material facts was committed on the part of Respondents No. 4 to 14 while obtaining NOCs and approvals from the Fire Department, GNCTD, and other statutory authorities.

35. Learned Senior counsel while concluding his arguments submits that the impugned Sanction Plan itself expressly conditions commencement of construction upon the prior obtaining of Environmental Clearance from the State Environment Impact Assessment Authority/State Expert Appraisal Committee ("SEIA/SEAC"). Despite this express condition, and without obtaining the requisite Environmental Clearance, Respondents No. 4 to 14 have already commenced construction activities including the felling of trees and digging of foundations. The permits and approvals annexed to the Respondents' own Counter Affidavit conspicuously do not include any Environmental Clearance from SEIA/SEAC, confirming this admitted violation.

36. Lastly, the ld. Senior counsel submitted that Respondent No. 2 (DDA) had, through its Vasant Kunj Self-Financing Scheme Brochure of 1987, made specific public representations to the allottees that the disputed Property would be used either for the construction of 48 SFS flats for the benefit of residents of the colony, or as a green park with lawns and parking spaces. He further contends that the Petitioner and all allottees opted to purchase and take possession of their flats in the colony in reliance upon and on the basis of these representations and the promised layout plan.

37. Learned Senior Counsel further presses that the DDA is bound by *the doctrine of legitimate expectation* and is estopped from permitting the disputed property to be used in a manner entirely contrary to the public representations made in its Scheme. The impugned action of the DDA in allowing a private developer to construct a high-rise Group Housing Society at the heart of the colony, directly contradicting the Scheme's promises, constitutes an arbitrary and unreasonable exercise of power in violation of Article 14 of the Constitution. Furthermore, the proposed construction consisting of three towers of approximately 33 metres in height, surrounded by residential buildings of only 12 metres, serviced by 13-metre roads will irreversibly impair the quality of life, safety, access, light, ventilation, and environment of the 5,000-odd residents of the colony. This constitutes a direct violation of the right to life and the right to a safe and healthy living environment guaranteed under Article 21 of the Constitution.

**Submissions on Behalf of Masonic Public School**

38. It is submitted on behalf of the Petitioner School that the impugned approvals granted by Respondent No. 2/DDA and the sanction dated 13.05.2024 granted by Respondent No. 3/MCD are contrary to the provisions of MPD-2021 and the "Regulations for Enabling the Planned Development of Privately Owned Lands, 2018", and are therefore liable to be set aside. It is submitted that the subject land has been integrated into the approved layout plan without proper consideration of the surrounding development, existing infrastructure, carrying capacity of the area and statutory planning requirements. It is further submitted that the approvals are contrary to Regulations 4.2, 4.4 and 5.5 of the 2018 Regulations, which

mandate that development on privately owned land integrated within an existing DDA scheme must conform to the surrounding development and available infrastructure.

39. It is submitted that while the surrounding DDA SFS flats comprise only 3–4 floors, sanction has been granted for construction of multi-storeyed towers having 9–10 floors, thereby violating the requirement of conformity with surrounding development. It is further submitted that the subject plot abuts a road having a width of approximately 10.66 metres, whereas Clause 4.4.3(B)(ii) of MPD-2021 prescribes a minimum 18 metre ROW for Group Housing projects. According to the Petitioner, while the Respondents treated the subject land as part of an "integrated layout" for the purposes of satisfying road width requirements, MPD-2021 norms relating to FAR, height and density were simultaneously applied so as to confer undue benefit upon the private Respondents.

40. It is further submitted that no proper Traffic Impact Assessment, infrastructure assessment or study regarding the carrying capacity of the area was undertaken prior to grant of approvals, despite the requirements under MPD-2021 and 2018 Regulations. It is submitted that neither the Petitioner School nor the surrounding occupants were considered while approving the project and no effective measures were planned to address the already saturated infrastructure of the locality.

41. According to the Petitioner School, it is already facing severe congestion issues on its sole vehicular access road, which is also proposed to be used for ingress and egress to the project site. The said road, stated to be approximately 10–11 metres wide, is already burdened by movement of around 2,500 students, 200 staff members, school buses and private vehicles

during school hours. It is submitted that the proposed construction activity and additional vehicular movement would further aggravate congestion, create serious safety concerns for students and staff, and adversely impact emergency access to the school premises. Reliance is also placed on the bomb threat incident dated 01.05.2024, during which emergency services allegedly faced difficulty in accessing the School owing to congestion and restricted access.

42. It is additionally submitted that the Traffic Assessment Report relied upon by the Respondents is fundamentally flawed, as the traffic survey was conducted during summer vacations when nearby schools were closed and, consequently, the actual traffic conditions around the Petitioner School were never properly assessed.

43. It is also submitted that the Petitioner School falls within a notified "*Silence Zone*" and that the large-scale construction activity immediately adjoining the school boundary wall would expose students to dust, vibration, excessive noise, heavy machinery, labour movement and construction traffic, thereby adversely affecting the functioning of the School and infringing the students' right to study in a safe, healthy and noise-free environment under Article 21 of the Constitution of India.

44. The learned Senior Counsel for the Petitioner further submits that the Environmental Clearance and supporting reports were obtained on the basis of misrepresentation and concealment of material facts. In particular, it is submitted that the Petitioner School was shown in the environmental documents as being located 400–500 metres away from the project site, whereas in reality the School directly adjoins the project land and shares a common boundary wall therewith. It is further submitted that the impact of

construction activity, labour deployment, vehicular movement and noise levels on the functioning and safety of the School was not properly disclosed before the authorities.

45. It is further submitted that the present petition has been instituted independently by the Petitioner School for protection of its own rights and concerns relating to safety, congestion, infrastructure and functioning of the School, and not in collusion with the RWA or its members. It is submitted that the Petitioner School has been agitating issues relating to access roads and congestion since 1999 and had earlier approached this Hon'ble Court in **W.P.(C.) No. 1797/2016** seeking an alternative access road on account of the already congested internal roads of the colony.

46. It is also submitted that the pendency of proceedings before the NGT or the availability of remedies under Section 347B of the DMC Act does not bar maintainability of the present writ petition, particularly when the present challenge also pertains to approvals and decisions taken by Respondent No. 2/DDA, which are not amenable to challenge before the MCD Appellate Tribunal.

47. Lastly, reliance is placed by the Petitioner upon the judgments of ***Anirudh Kumar v. Municipal Corporation of Delhi & Ors.,*** reported as (2015) 7 SCC 779, and ***I.H. Sekar v. Principal Secretary to Government of Tamil Nadu,*** reported as 2019 SCC OnLine Mad 18160.

**Submissions on Behalf of Respondent Nos. 4-14**

48. The Respondents have raised a preliminary objection to the maintainability of the present writ petition**,** contending that the reliefs sought

are either barred by statutory remedies, consequential in nature, or otherwise not maintainable in writ jurisdiction.

49. In the aforesaid regard, the Respondents further contend that the writ court cannot sit in appeal over decisions of expert bodies and executive authorities, including MCD, DDA, DPCC, CEC, AAI, Delhi Fire Services, Delhi Jal Board and the Land Acquisition Collector, all of whom examined the project in accordance with applicable regulations. It is submitted that the ADM (LA), GNCTD confirmed that the subject land is free from acquisition, and that the sanction was granted after due consideration by the DDA Screening Committee, Technical Committee and the Building Plan Committee of MCD.

50. It is further contended that the Petitioners had an efficacious alternative remedy under Section 347B of the DMC Act before the ATMCD and therefore invocation of Article 226 of the Constitution of India is impermissible. Reliance is placed upon the judgment of the Division Bench of this Court in ***RWA v. Paardarshita Public Welfare Foundation (NGO) & Ors.*, W.P.(C) No. 14193/2024**, as well as the decision of the Division Bench of this Court in ***Diwan Chand Aggarwal & Ors. v. DDA & Ors.*, LPA No. 7/2021**.

51. It is then submitted that prayer clause (a) of the present Petition, seeking quashing of the sanction dated 13th May, 2024 granted by MCD, is appealable under Section 347B of the Delhi Municipal Corporation Act. The Respondents further contend that an identical challenge was dismissed on maintainability in **W.P.(C) No. 352/2025** *vide* Order dated 20th January, 2025, which was affirmed in **LPA No. 92/2025** *vide* Judgment dated 07th February, 2025. Prayer clauses (b), (c), (d), and (e), according to the

Respondents, are merely consequential to prayer clause (a) and therefore cannot survive independently. In relation to prayer clause (c), it is additionally contended that the Minutes of the 368th Screening Committee Meeting dated 22nd April, 2019 and the 370th Screening Committee Meeting dated 17th June, 2019 are independently appealable under Section 347B of the DMC Act and Section 31C of the Delhi Development Act.

52. In respect of prayer clause (e), Respondent Nos. 4 to 14 contend that the subject land is privately owned land belonging to Respondent No. 4 and that Respondent Nos. 1 to 3 have no proprietary concern therein. It is submitted that the DDA brochure applies only to DDA land and cannot be enforced against privately owned land.

53. As regards prayer clause (f), seeking quashing of the order dated 07.12.2012 passed by the ATMCD in **Appeal No. 24/AT/MCD/2009** and the **judgment dated 16.07.2016** passed by the learned District & Sessions Judge, the Respondents submit that the said judicial orders have attained finality and are therefore not open to challenge. It is further submitted that the Petitioners were never parties to the said proceedings, whereas the affected parties, namely MCD and DDA, accepted the same. According to the Respondents, the said orders merely directed consideration of the application for sanction of the layout plan and did not prejudice any third-party rights.

54. The Respondents further contend that the prayers in the present petition are substantially identical to those raised in **W.P.(C) No. 352/2025.** Prayer (d), seeking restraint against construction, corresponds to prayer No. 1 therein; prayer (b), seeking restraint against further sanctions or approvals, corresponds to prayer No. 2; prayer (a), seeking quashing of the sanction

dated 13.05.2024, corresponds to prayer No. 3; and prayer (c), seeking quashing of the 368th and 370th Screening Committee Minutes, corresponds to prayer No. 4 in the said writ petition.

55. The Respondents have also placed on record a chronology of proceedings initiated by the Petitioner RWA and its members against Respondent Nos. 4 to 14. In August 2024, the present writ petition was filed challenging the sanction plan granted by MCD. On 10.09.2024, **CM Appl. Nos. 52907/2024 and 52908/2024** in **Contempt Case No. 1149/2022 titled *Bhuvneen Kandhari v. C.S. Singh & Ors.*** were filed alleging illegal cutting of trees, which applications were disposed of *vide* Order dated 06th December, 2024 as no violation of any Court order was alleged. On 13th September, 2024, **O.A. No. 1171/2024** was filed before the NGT alleging absence of Environmental Clearance and felling of trees, which was dismissed *vide* Order dated 17.02.2025.

56. In November 2024, Rajeev Ranjan, then President of the RWA, filed **Case No. 1587** before the Central Empowered Committee (CEC) constituted by the Hon'ble Supreme Court alleging that the subject land formed part of a morphological ridge. The CEC thereafter submitted its Report dated 14th May, 2025 permitting construction, which was forwarded to the Hon'ble Supreme Court. In January 2025, residents of the RWA filed **W.P.(C) No. 352/2025** titled ***Colonel Ajay Yadav & Anr. v. GNCTD & Ors***., contending that construction could not proceed as the subject land formed part of a morphological ridge. The said petition was dismissed *vide* Order dated 20th January, 2025, on the ground that none of the prayers were maintainable, and the challenge thereto in **LPA No. 92/2025** was dismissed *vide* Judgment dated 07th February, 2025. Finally, the Hon'ble Supreme Court, *vide* Order

dated 12th August, 2025 in **W.P.(C) No. 202/1995**, dismissed the applications filed by Rajeev Ranjan and accepted the applications filed by Texknit in terms of the CEC Report dated 14th May, 2025, thereby permitting construction in accordance with law.

57. On the Petitioners' objection that the subject land falls within a morphological ridge, the Respondents submit that the present Petition contains no such pleading. It is further contended that the CEC, being the competent authority in such matters, *vide* **Report dated 14th May, 2025** permitted Respondent No. 4 to undertake construction subject to conditions, which Report was accepted by the Hon'ble Supreme Court *vide* order dated 12th August, 2025 in **W.P.(C) No. 202/1995**. The Respondents further contend that the same plea already stands rejected in **W.P.(C) No. 352/2025** and **LPA No. 92/2025**.

58. On the allegation of a change in the DDA layout plan, the Respondents deny any such change and state that both the land allotted to the Petitioner Society and the private land of the Respondents form part of the integrated layout plan of Sector-B, Pocket-1, Vasant Kunj. It is reiterated that the subject plot forms an integral part of the pocket, having access through 24-meter R/W on the northern and western sides, 45-meter R/W on the eastern side, and 75-meter R/W on the southern side, and therefore the entire pocket qualifies for Group Housing under MPD-2021 and the Zonal Development Plan, and is therefore "Residential Group Housing Complex." It is submitted that the proposal underwent due scrutiny by the BPC, DDA Screening Committee and Technical Committee before sanction was granted. It is further contended that even assuming there was any change in the layout plan, the remedy would lie before the ATMCD under Section 31-

C of the Delhi Development Act. Reliance is placed upon ***Paardarshita Public Welfare Foundation (NGO) v. MCD & Ors.***, W.P.(C) No. 14193/2024 decided on 05.11.2024, and ***Diwan Chand Aggarwal & Ors. v. DDA & Ors.,*** LPA No. 7/2021 decided on 08.01.2021.

59. In relation to the challenge to the DDA Screening Committee Minutes, the Respondents reiterate that the erstwhile owners' application for sanction was initially placed before the BPC, MCD on 01.10.2018 and deferred for clarifications from DDA. The proposal was thereafter approved in the 368th Screening Committee Meeting dated 22.04.2019. The matter was again considered by the BPC in meetings dated 22.10.2019 and 23.10.2019, following which DDA clarified all issues through the Minutes of the 11th Technical Committee Meeting dated 23.12.2019. Thereafter, MCD sanctioned the building plan on 13.05.2024 after receipt of all requisite approvals and clarifications.

60. On the objection regarding the height and number of floors in the proposed Group Housing Project, the Respondents submit that all requisite statutory permissions, including approvals from the Airports Authority of India ("*AAI*") and Delhi Fire Services, have been obtained. It is further submitted that under Rules 1.2, 1.5 and 1.6 of the 2018 Regulations, the Building Bye-Laws prevail, and neither MPD-2021 nor the Unified Building Bye-Laws impose any restriction on the proposed height. Reliance is placed upon paragraph 10 of MCD's Counter Affidavit, wherein it is stated that clarifications regarding permissible height and floors were specifically sought from DDA before sanction. DDA's Technical Committee clarified that under MPD 2021 there is no restriction on height for Group Housing projects, subject to requisite clearances from AAI, Fire Department and

other statutory authorities. DDA has affirmed the same position in its Counter Affidavit and placed the relevant agenda and minutes on record.

61. It is further submitted by Respondent Nos. 4 to 14 that the Petitioners have repeatedly made baseless and malicious attempts to tarnish the image of the project despite Respondent No. 4 being the lawful owner of the subject land and having obtained all requisite permissions and NOCs in accordance with law. According to the Respondents, the sanctions and approvals accorded to Respondent No. 4 have consistently withstood judicial scrutiny across multiple forums. Reliance is placed upon the dismissal of **W.P.(C) No. 352/2025** and **LPA No. 92/2025**, dismissal of proceedings before the NGT, the **CEC Report dated 14.05.2025** permitting construction, and the **order dated 12.08.2025** passed by the Hon'ble Supreme Court in **W.P.(C) No. 202/1995** permitting construction in accordance with due process of law.

62. In regard to the genesis of right, title and interest of Respondent No. 4, it is submitted that the subject land remained private land even after urbanisation in 1966 as it was never acquired. The land was declared private bhumidari land *vide* **Judgment and Decree dated 30th July, 1974** in favour of Ram Dhan. Upon his death, Mr. Kartar Singh became the bhumidhar. Thereafter, Respondent Nos. 5 to 14 purchased the land from Kartar Singh *vide* registered Sale Deed dated 05th April, 1995, and mutation was effected in their favour. Respondent No. 4 subsequently purchased the land from Respondent Nos. 5 to 14 *vide* registered Sale Deed dated 18th April, 2024, thereby deriving title over the subject land.

63. The Respondents also contend that the disputed questions of title and fact by seeking to challenge Orders dated 30th July, 1974, 07th December,

2012 and 16th July, 2016, can only be adjudicated by a competent civil court upon evidence and not in writ jurisdiction. Reliance is placed upon ***Shalini Shyam Shetty v. Rajendra Shankar Patil*** (2010) 8 SCC 329***, State of Rajasthan v. Bhawani Singh*** 1993 Supp (1) SCC 306**,** and ***R.S. Juneja v. MCD*** W.P. (C.) 6863/2009, Delhi High Court**.** It is further submitted that judicial orders passed by competent courts are not amenable to certiorari under Article 226.

64. According to the Respondents, the Petitioners are rank strangers to the proceedings culminating in the orders dated 30th July, 1974, 07th December, 2012 and 16th July, 2016, and therefore lack *locus standi* to challenge the same. It is also contended that the foundational Sale Deed dated 18.04.2024 in favour of Respondent No. 4 has not been challenged, and therefore no effective relief can be granted.

65. It is additionally contended that **t**he necessary parties, including Ram Dhan or his legal heirs, have not been impleaded despite challenges being raised to the order dated 30th July, 1974. Reliance is placed upon ***Prem Porwal v. Jagdish Chandra.*** SLP(C.) No. 16483/2015, Supreme Court. The Respondents also allege suppression of material facts, multiplicity of proceedings, impermissible enlargement of the scope of the writ petition through amendment applications and attempts to seek discovery of documents from a private party in writ jurisdiction. It is further submitted that relief cannot be sought in respect of documents not properly placed on record.

66. The Respondents further raise objections of delay and laches, contending that the Petitioner RWA has existed since the 1980s and never objected to the mutation entries or the possession of Respondent Nos. 5 to

14 for decades. It is submitted that the Petitioners are therefore barred from raising claims of legitimate expectation or promissory estoppel. Reliance is placed upon ***DLF Universal v. Greater Kailash II Welfare Association*** LPA 2633/2005, Delhi High Court**.**

67. The Respondents further contend that Clause 5.5 of the Regulations for Enabling the Planned Development of Privately Owned Land, 2018 has been misconstrued by the Petitioners. According to the Respondents, the provision must be read with Clauses 4.1, 4.4 and 4.5, which require conformity with surrounding development, and since the surrounding development is residential group housing, the proposed project is fully compliant.

68. Lastly, on the issue of jurisdiction of revenue courts, the Respondents contend that the order dated 30th July, 1974, declaring bhumidari rights was validly passed by a competent revenue court in accordance with the then prevailing law as recognised in ***Hatti v. Sunder Singh ( 1970 )2 SCC 841, Umed Singh v. GNCTD,(1997) SCC OnLine Del 842*** and ***Narain Singh v. Mohinder Singh (2008)*** It is submitted that even though the legal position was later revisited in ***Mohinder Singh v. Narayan Singh ,(2023) 9 SCC 757***, orders validly passed under the then prevailing law cannot subsequently be treated as void, reliance being placed upon ***GNCTD v. K.L. Rathi Steels .,(2023) 9 SCC 757***.

69. Accordingly, the Respondents submit that the writ petition is liable to be dismissed both on maintainability and on merits.

**<u>Submissions on Behalf of Respondent No.3/MCD</u>**

70. Learned Senior counsel appearing on behalf of the Municipal Corporation of Delhi, submitted that the present writ petition proceeds on a complete misconception of the statutory scheme governing planned development under the Delhi Development Act, 1957 and the Delhi Municipal Corporation Act, 1957.

71. Learned counsel submitted that under the statutory framework, there exists a clear distinction between amendment of the Master Plan and amendment/modification of a layout plan. It was argued that where the land use itself is sought to be altered, such as from residential to commercial, the procedure contemplated under the Delhi Development Act including public notice and objections becomes mandatory. However, where the issue concerns planning, development controls and layout regulation within an existing permissible land use, the competent planning authority is empowered to take decisions independently in accordance with law.

72. Learned counsel submitted that the subject land forms part of a residential pocket and the proposal in question pertains to group housing/residential development. Therefore, according to learned counsel, there was no alteration of land use requiring any modification of the Master Plan under Section 11A of the Delhi Development Act. The decision impugned in the present petition was stated to be one concerning layout planning and development regulation within the existing planning framework.

73. Learned counsel further submitted that the decision regarding sanction and planning approval was not taken arbitrarily or mechanically but after due consideration by expert statutory bodies including the Technical Committee, Screening Committee and the competent authorities under the

DDA and MCD. It was contended that the Building Plan Committee of MCD comprises senior engineers and technical experts and the planning decision in question was arrived at after consideration at multiple levels.

74. Learned counsel submitted that courts exercising jurisdiction under Article 226 of the Constitution of India ordinarily ought not to interfere with technical and planning decisions taken by specialized statutory authorities possessing domain expertise, unless the decision is shown to be patently arbitrary, mala fide or contrary to statute.

75. It was further submitted that the "*Regulations for Enabling the Planned Development of Privately Owned Lands, 2018*" framed under Section 57 of the Delhi Development Act specifically contemplate development of privately owned pockets of land which had remained undeveloped or left out within larger planned areas. According to learned counsel, the objective of the policy was to ensure planned utilization of such parcels rather than permitting them to remain unused indefinitely.

76. Learned counsel submitted that once the petitioners themselves contend that the subject land is Government/DDA land, the rigours applicable to privately owned lands under the 2018 Regulations regarding development controls, road width, height restrictions and related conditions would not even arise in the manner sought to be projected by the petitioners.

77. It was further argued that the allegations of fraud advanced by the petitioners are wholly misconceived and unsupported by any cogent material. Learned counsel submitted that the sanctioning authority processed the applications on the basis of registered sale deeds and title documents placed on record and there existed no material before the Corporation suggesting fabrication or sham transactions.

78. Learned counsel emphasized that registered documents carry a statutory presumption of genuineness and sanctity and cannot casually be treated as sham or fraudulent merely on the basis of bald allegations in writ proceedings. It was argued that serious allegations regarding fraud in sale transactions require clear pleadings and substantive evidence and cannot be adjudicated merely on the basis of averments in an interlocutory application.

79. Learned counsel further submitted that even assuming the petitioners allege that sanction was obtained by misrepresentation or fraudulent disclosure, the Delhi Municipal Corporation Act itself provides a specific statutory mechanism under Section 338 of the Act. Reference was made to Section 338 of the DMC Act to contend that where sanction has been obtained on the basis of material misrepresentation or fraudulent statement, the Commissioner is empowered to cancel such sanction by a reasoned written order. It was therefore submitted that the petitioners have an efficacious statutory remedy even *qua* their allegations of fraud and consequently invocation of extraordinary writ jurisdiction is wholly unwarranted.

80. Learned counsel further submitted that Clause 1.6 of the applicable Regulations specifically provides that any issue relating to interpretation of the Regulations is required to be referred to the competent authority/DDA for necessary clarification and directions. It was therefore argued that disputes concerning applicability of the 2018 Policy, development controls, road width, permissible height and related technical planning norms ought to be left to the specialized statutory authorities and not adjudicated by the Court in exercise of writ jurisdiction.

81. Learned counsel also dealt with the objection raised by the petitioners regarding environmental clearance and submitted that the sanction granted was conditional in nature and subject to procurement of all other statutory approvals including environmental clearance. It was argued that such conditional sanctions are common in planning matters and the mere pendency of environmental clearance at a particular stage does not *ipso facto* invalidate the sanction process.

**Submissions on Behalf of Respondent No.2/DDA**

82. Learned counsel appearing on behalf of the Delhi Development Authority adopted the submissions advanced on behalf of MCD and further invited attention to the counter affidavit filed by DDA, particularly paragraph C(b) and C(c), to contend that the subject plot forms an integral part of Sector-B, Pocket-1, Vasant Kunj and therefore the entire pocket along with the subject plot qualifies as a group housing pocket under the applicable planning framework.

83. Learned counsel submitted that the stand of DDA consistently has been that the development norms applicable to the subject land are governed by the surrounding integrated development of the area. It was submitted that the entire pocket is bounded by 24 metres, 45 metre and 75 metre right-of-way roads and the development control norms applicable to the subject land are therefore regulated by Clause 5.5 of the "*Regulations for Enabling the Planned Development of Privately Owned Lands*". According to learned counsel, the planning approvals granted in the present case are entirely consistent with the aforesaid regulatory framework.

84. Learned counsel also addressed the issue raised by the petitioners regarding pedestrian access to the Masonic Public School and invited attention to paragraph 11 of the relevant pleadings. It was submitted that the issue had already been considered in earlier proceedings before this Court in **W.P.(C) No. 1797/2016** titled ***M/s Northern India Masonic Charitable Society v. Delhi Development Authority & Anr.***

85. Learned counsel submitted that in the aforesaid proceedings, this Court by **judgment dated 21.01.2025** had already directed creation of a pedestrian passage for school children and that during pendency of the said proceedings, the Vice Chairman, DDA had passed a detailed speaking **order dated 30.08.2024** directing construction of pedestrian access from Aruna Asaf Ali Road to the Masonic Public School through the waterbody area.

86. It was therefore submitted that the grievance sought to be raised in the present writ petition regarding pedestrian accessibility already stands addressed by the competent authorities pursuant to judicial directions and cannot constitute a surviving ground for interference with the sanction granted in favour of the private respondents.

87. Learned counsel lastly submitted that the challenge raised by the petitioners essentially seeks judicial review of technical planning decisions taken by expert statutory authorities in accordance with the applicable Regulations and Master Plan norms. According to learned counsel, no case of arbitrariness, mala fides or violation of any statutory provision has been made out warranting interference under Article 226 of the Constitution of India.

**ISSUES FOR CONSIDERATION**

I. ***Whether the Petitioner RWA, the individual resident Petitioners in W.P.(C.) No. 11283/2024, and the Petitioner School in W.P.(C.) No. 17433/2025 possess the requisite locus standi to maintain the present writ petitions?***

II. ***Whether CM APPL. 10311/2025 seeking amendment of the writ petition is liable to be allowed, and if so, to what effect?***

III. ***Whether the approvals and sanctions granted in favour of Respondent Nos. 4 to 14, are contrary to standing laws including sanction dated 13.05.2024, the Delhi Municipal Corporation Act, 1957, the Delhi Development Act, 1957, MPD-2021, Unified Building Bye-Laws, 2016, and the applicable planning regulations, thereby warranting interference under Article 226 of the Constitution of India?***

**DISCUSSION AND FINDINGS:**

88. This court has heard the learned Senior Counsel appearing on behalf of the Petitioners, the learned Senior Counsel appearing on behalf of MCD, learned counsel appearing on behalf of DDA, as well as the learned Senior Counsel appearing on behalf of Respondent Nos. 4 to 14, and has carefully perused the pleadings, documents placed on record and the judgments relied upon by the respective parties.

89. First and foremost, the issue which arises for consideration before this Court is whether the Petitioners have the requisite ***locus standi*** to contest the present writ petitions under Article 226 of the Constitution of India.

90. This Court has considered the preliminary objection as to *locus standi* raised by the Respondents on various grounds. It is well settled that maintainability under Article 226 of the Constitution of India does not depend upon a proprietary interest in the subject matter, a person directly and prejudicially affected by an act or omission of an authority may maintain proceedings even in absence of such a specific interest, particularly where the impugned activity is alleged to violate the governing planning framework and raises issues bearing upon public interest and the rule of law. The Petitioner School satisfies this threshold on the face of the record. It directly adjoins the Subject Property along a shared boundary wall, shares the sole motorable vehicular access road a fact not disputed by the Respondents and expressly acknowledged in DDA's own order dated 30.08.2024 passed in **W.P.(C.) No. 1797/2016**, and further operates as an educational institution entitled to silence zone protection under Rule 3(5) of the Noise Pollution (Regulation and Control) Rules, 2000. As admitted, this institution caters to approximately 2,500 students whose safety, health and educational environment are *prima facie* directly implicated by the proposed high-density construction immediately adjoining the School boundary. The prejudice asserted is therefore neither remote nor generalised but connected and institution-specific.

91. As regards to the allegation of proxy litigation as alleged by the Respondents herein, it is established as per the records, to the satisfaction of the Court that the School was admittedly not a party to **W.P.(C.) No. 11283/2024**, and the uncontroverted position is that it became aware of the impugned approvals only in September 2025 upon noticing construction activity at site a circumstance inconsistent with any inference of prior

collusion. Further, the grievances urged by the School including the silence zone protection claim, the concern regarding the sole access road, and the allegation that the School's location was misrepresented before the SEAC are institution-specific grievances unavailable to, and not urged by, the RWA Petitioners, thereby disclosing an independent and distinct cause of action. Mere overlap in certain legal grounds arising from the same impugned approvals does not render an independently aggrieved party's petition a proxy proceeding. **For the foregoing reasons, the preliminary objection as to *locus standi* does not merit acceptance and is accordingly rejected.**

92. Now, turning to the *locus standi* of the Petitioner RWA and the individual resident Petitioners in **W.P.(C.) No. 11283/2024**, the Respondents contend that the Petitioners, being strangers to the title of the Subject Property, lack any legally cognisable interest to question the impugned sanctions and approvals. The Petitioner RWA is stated to represent residents of Sector-B, Pocket-1, Vasant Kunj, within which the Subject Property is situated, while the individual Petitioners are residents of the colony who assert that they purchased their flats under DDA's Self-Financing Scheme in the backdrop of the sanctioned layout plan and planning framework then prevailing. It is their case that the Subject Property is accessible through the internal road network of the colony and that the proposed development is likely to have a bearing on the existing civic infrastructure, internal circulation and residential environment of the area.

93. The Petitioners further contend that the impugned approvals constitute a departure from the originally contemplated development pattern of the colony and that such change directly affects the residents of the surrounding

area. At this stage, the concerns raised with regard to access, ingress and egress, traffic movement and the impact upon the surrounding residential environment cannot be said to be wholly remote or unconnected with the subject matter of challenge.

94. Equally, the mere fact that the Petitioners were not parties to the proceedings culminating in the orders dated 07.12.2012 and 16.07.2016 would not, by itself, preclude them from independently raising their grievances in appropriate proceedings, particularly when they assert that they were neither impleaded nor heard therein. The allegations regarding construction being done de-hors the standing regulations also do not, prima facie, bear any direct nexus to the legality of the approvals presently under challenge. In these circumstances, **this Court is not inclined to reject the claim of *locus standi* of the Petitioner RWA and the individual resident Petitioners at the threshold.**

95. Having answered Issue No. 1 in favour of the Petitioners herein, this Court shall now proceed to examine Issue No. 2, namely, whether **CM APPL. 10311/2025 seeking amendment of the Writ petition 11283/2024 is liable to be allowed**, and if so, to what effect.

96. The said application has been preferred on behalf of the Petitioners under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 seeking amendment of the writ petition by incorporation of additional pleadings and prayers pertaining to the alleged vesting of the subject land in the Gaon Sabha/Central Government/DDA and the legality of the **order dated 30.07.1974** passed by the Revenue Assistant declaring one Sh. Ram Dhan as Bhumidhar of the subject property. The Petitioners further seek incorporation of averments alleging that the said order was

without jurisdiction, *void ab initio* and collusive in nature, and consequently seek addition of a prayer for declaration that the said order is *non-est* and unenforceable in law.

97. The amendment is opposed by Respondent Nos. 4 to 14, *inter alia*, on the ground that the proposed amendment fundamentally alters the scope and character of the writ proceedings, seeks to reopen questions pertaining to title, vesting and ownership after several decades, introduces issues which were admittedly within the Petitioners' knowledge even at the time of filing of the writ petition and would seriously prejudice vested rights accrued in favour of subsequent purchasers who were not parties to the alleged revenue proceedings of 1974.

98. It is further contended that the proposed controversy necessarily involves disputed questions of title and proprietary rights which are incapable of adjudication in writ proceedings under Article 226 of the Constitution of India.

99. Before adverting to the merits of the amendment application, it becomes necessary to examine the nature and scope of the original writ proceedings. A perusal of the writ petition demonstrates that the principal challenge therein was directed against the **sanction dated 13.05.2024** granted by the Municipal Corporation of Delhi in respect of the proposed group housing project over the subject property, the screening committee approvals, and the consequential planning and development permissions granted by the statutory authorities. The original controversy, therefore, substantially arose in the context of planning norms, legality of sanctions, road width requirements, environmental concerns, conformity with the

Master Plan and the legality of the approvals granted by the planning authorities.

100. By way of the present amendment, however, the Petitioners now seek to introduce extensive pleadings challenging the very root of title claimed by Respondent Nos. 4 to 14 and their predecessors-in-interest. The Petitioners further seek to contend that the land stood vested in the Gaon Sabha/Central Government/DDA, that the order dated 30.07.1974 passed by the Revenue Assistant was wholly without jurisdiction and that all subsequent transactions flowing therefrom are consequently unsustainable. The Petitioners further seek a substantive declaratory prayer assailing the said revenue order itself.

101. The law governing amendment of pleadings is well settled. Though courts ordinarily adopt a liberal approach while considering applications for amendment, such discretion is neither automatic nor unrestricted. The amendment must be necessary for determining the real controversy between the parties and must not result in fundamentally altering the nature of the proceedings or causing serious prejudice to accrued rights of the opposite party.

102. ***In Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd.,*** (2022) 11 SCC 1, the Hon'ble Supreme Court comprehensively summarised the principles governing amendment of pleadings and held that while amendments necessary for effective adjudication should ordinarily be allowed, the Court must refuse amendments which fundamentally change the nature of proceedings, reopen settled issues, or cause serious prejudice incapable of compensation.

103. Tested on the aforesaid principles, this Court is unable to persuade itself to allow the present amendment.

104. It is significant that the Petitioners themselves admit that the facts sought to be introduced by way of amendment were always within their knowledge. The foundation of the proposed amendment rests upon the notifications issued under Sections 4 and 6 of the Land Acquisition Act in the years 1965 and 1966, the alleged vesting of Gaon Sabha land upon urbanisation of Village Mehrauli in 1966, the notification dated 20.08.1974 placing Gaon Sabha land at the disposal of DDA, and the order dated 30.07.1974 passed by the Revenue Assistant. All these events are historical facts dating back several decades and are not based upon any subsequent discovery or newly emerged material.

105. The Petitioners have failed to demonstrate as to what prevented them from raising these pleas at the time of institution of the writ petition itself. The amendment application does not disclose the emergence of any fresh circumstance or subsequent event necessitating incorporation of the proposed pleadings. Rather, the Petitioners seek to introduce an altogether expanded challenge on the basis of material admittedly available to them from the very inception.

106. The Hon'ble Supreme Court, in ***Vidyabai & Ors. v. Padmalatha & Anr.,*** (2009) 2 SCC 409, held that one of the primary considerations while deciding amendment applications is whether the applicant acted with due diligence and whether the amendment is sought at a belated stage despite prior knowledge of the relevant facts. The relevant paragraph of the judgement reads as under:

> *"**10**. By reason of the Civil Procedure Code (Amendment) Act, 2002 (Act 22 of 2002), Parliament inter alia inserted a proviso to Order 6 Rule 17 of the Code, which reads as under:*
>
> *'Provided that no application for amendment shall be allowed after the trial has commenced, unless the court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.'*
>
> *It is couched in a mandatory form. The court's jurisdiction to allow such an application is taken away unless the conditions precedent therefor are satisfied viz. it must come to a conclusion that in spite of due diligence the parties could not have raised the matter before the commencement of the trial.*
>
> *[.....]*
>
> ***19**. It is the primal duty of the court to decide as to whether such an amendment is necessary to decide the real dispute between the parties. Only if such a condition is fulfilled, the amendment is to be allowed. However, proviso appended to Order 6 Rule 17 of the Code restricts the power of the court. It puts an embargo on exercise of its jurisdiction. The court's jurisdiction, in a case of this nature is limited. Thus, unless the jurisdictional fact, as envisaged therein, is found to be existing, the court will have no jurisdiction at all to allow the amendment of the plaint."*

107. In the considered opinion of this Court, the present amendment suffers from precisely such infirmity. The Petitioners, despite full knowledge of the factual basis now sought to be introduced, chose not to frame the original writ petition on the basis of title or vesting. Having consciously instituted the writ petition challenging sanctions and approvals granted by the planning authorities, the Petitioners cannot now be permitted

to substantially enlarge the scope of proceedings by converting the dispute into one concerning the legality of a revenue order passed more than five decades ago and the consequential validity of proprietary claims arising therefrom.

108. Equally significant herein is the nature of the controversy sought to be introduced. The proposed amendment directly impinges upon questions relating to title, ownership, vesting and proprietary rights over immovable property. Once the Petitioners seek a declaration that the order dated 30.07.1974 was *void ab initio* and that the land vested in the Government/DDA, the controversy necessarily travels beyond the realm of planning permissions and enters into adjudication of competing proprietary claims.

109. Such questions cannot ordinarily be adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution of India, particularly where determination of rights would require examination of historical revenue records, acquisition proceedings, vesting notifications, title documents, succession, mutations and competing factual assertions spanning several decades.

110. In ***State of Rajasthan v. Bhawani Singh***, (1993) Supp (1) SCC 306, the Hon'ble Supreme Court reiterated that disputed questions relating to title and ownership of immovable property are ordinarily unsuited for adjudication in writ jurisdiction.

111. The proposed amendment would therefore inevitably transform the present proceedings from a challenge to planning sanctions into a substantive adjudication concerning title and vesting of land. Such

enlargement of the controversy cannot be said to be merely ancillary or explanatory in nature.

112. This Court also finds considerable merit in the submission advanced on behalf of Respondent Nos. 4 to 14 that permitting the amendment at this stage would seriously prejudice vested and accrued rights of third parties.

113. The record demonstrates that the land was allegedly purchased by Respondent Nos. 5 to 14 through registered sale deeds executed in the year 1995 from persons claiming title through the revenue order dated 30.07.1974, then it was purchased by Respondent No. 4 from Respondents 5-14 in the year 2024. It is also not disputed that the original parties to the said revenue proceedings, including the persons directly affected by the order dated 30.07.1974, are no longer alive and are not parties to the present writ proceedings.

114. The consequences of permitting the proposed amendment would therefore be far-reaching. The Petitioners seek, in effect, to reopen the very foundation of title upon which subsequent transactions and proprietary claims have rested for several decades. Such adjudication would directly affect the rights of subsequent purchasers claiming through *bone-fide* registered conveyances and long-standing revenue entries.

115. In ***Ganesh Trading Co. v. Moji Ram***, (1978) 2 SCC 91, the Hon'ble Supreme Court observed that though procedural laws should ordinarily be construed liberally, amendments cannot be permitted where they result in serious prejudice to the opposite side or seek to unsettle rights which have accrued over time.

116. The prejudice in the present case is not merely procedural. The amendment seeks to cast uncertainty upon long-standing proprietary claims

and transactions emanating from a revenue order passed in the year 1974. More importantly, the original persons directly connected with those proceedings are no longer before this Court. Permitting adjudication of such issues in collateral writ proceedings at the instance of persons who were admittedly not parties to the earlier proceedings would seriously prejudice parties who have subsequently acquired rights on the basis of registered instruments and settled revenue records.

117. Moreover, the Petitioners have sought to contend that an order without jurisdiction can be challenged at any stage. There can be no quarrel with the settled proposition that a void order can, in an appropriate case, be questioned even in collateral proceedings. However, that principle does not *ipso facto* compel this Court to permit amendment of pleadings in every case irrespective of the nature of proceedings, the conduct of parties, the delay involved, and the consequences flowing therefrom.

118. Even assuming the Petitioners are entitled to question the legality of the order dated 30.07.1974, the question still remains whether such adjudication can appropriately be undertaken in the present writ proceedings instituted primarily against planning sanctions and approvals. **In the considered opinion of this Court, the answer must be in the negative.**

119. The proposed amendment would necessarily require this Court to undertake examination of intricate factual and legal issues concerning acquisition proceedings, vesting of Gaon Sabha land, applicability of the Delhi Land Reforms Act, legality and effect of the revenue order dated 30.07.1974, continuity of possession, succession, mutations and the validity of subsequent conveyances. Such adjudication is wholly foreign to the limited controversy originally raised in the writ petition and cannot

appropriately be converted into the principal subject matter of these proceedings by way of amendment.

120. The Court cannot lose sight of the fact that writ jurisdiction is essentially discretionary and equitable in nature. A party seeking equitable relief must approach the Court with due diligence and within a reasonable framework of the controversy originally pleaded. Permitting the present amendment would substantially alter the complexion of the proceedings and reopen issues which have remained unquestioned for decades despite being within the Petitioners' knowledge throughout.

121. This Court is therefore of the considered opinion that the proposed amendment is neither necessary for adjudication of the original controversy nor merely explanatory or clarificatory in nature. On the contrary, the amendment seeks to substantially enlarge the scope of the writ petition by introducing issues relating to title, vesting and legality of historical revenue proceedings, which would require adjudication of complex disputed questions beyond the permissible contours of the present writ proceedings.

122. The amendment also suffers from gross and unexplained delay inasmuch as the factual basis thereof admittedly existed and remained within the knowledge of the Petitioners even prior to institution of the writ petition. No subsequent event or newly discovered material has been shown which could justify incorporation of such pleas at this stage.

123. Furthermore, it is reiterated that permitting the amendment would seriously prejudice vested rights claimed by subsequent purchasers who were not parties to the alleged revenue proceedings and whose rights have accrued through long-standing transactions and revenue records over several decades.

124. Even assuming, for the sake of argument, that the petitioners were not aware of the proceedings before the Revenue Court at the time the Writ was instituted, the petitioners' own pleadings and submissions fundamentally undermine this position. Throughout the course of arguments, the petitioners have repeatedly contended that the land in question belongs to the DDA and not to private owners, a submission which, in and of itself, demonstrates a clear awareness of the underlying title dispute and of the adjudication that had taken place before the Revenue Authority. It is against this backdrop that the present application for amendment falls to be considered.

125. Having regard to the totality of the circumstances, this Court finds itself **unable to grant the relief sought** at this stage, and for the following reasons.

126. The first and most conspicuous infirmity afflicting the present application is the inordinate and wholly unexplained delay with which the petitioner has approached this Court. The petitioner invokes the extraordinary writ jurisdiction of this Court after a lapse of approximately five decades, without tendering any satisfactory explanation for this extraordinary and unconscionable delay. It is well settled that the jurisdiction under Article 226 of the Constitution, though wide and discretionary in its amplitude, is not designed to resuscitate stale claims or to unsettle proceedings that have long since attained finality. The doctrine of laches operates with full vigour in the present case. A party cannot remain dormant over its rights for half a century and thereafter seek to invoke the extraordinary jurisdiction of this Court to reopen matters that the passage of time has conclusively closed. This position finds further reinforcement in the

decision of this Court in ***Bhagwan Singh v. Financial Commissioner*** ILR (2008) 2 Delhi 762, wherein a challenge to revenue entries made after a lapse of twenty-six years was held not to be maintainable, and the writ petition was accordingly dismissed. If a delay of twenty-six years was found to be fatal to the maintainability of such a challenge, the delay of nearly five decades in the present case admits of no indulgence whatsoever.

127. Proceeding further, even if the question of delay were to be set aside, the nature and scope of writ jurisdiction itself presents an insuperable obstacle to the grant of the relief sought. This Court, exercising jurisdiction under Article 226 of the Constitution of India, does not sit as a court of appeal over the Revenue Authority, and it is not within the province of this Court to re-examine the correctness of findings of fact or to substitute its own assessment for that of a competent tribunal. It is only the powers of judicial review that this Court exercises, and any interference, if at all, must remain strictly within the parameters of such review and cannot partake of the character of appellate scrutiny. The mere fact that a wrong view may have been taken by the Revenue Authority would not, of itself, entitle this Court to interfere. Interference would be warranted only where perversity is demonstrated, or where it is shown that the order of the Revenue Authority is contrary to settled law, or where the findings returned are shown to rest upon no material whatsoever. The appropriate and efficacious remedy available to the petitioner, had it been aggrieved by the award of the Revenue Authority, was to challenge the same through the statutory mechanism prescribed under the relevant revenue laws. By failing to avail of such remedy and instead approaching this Court after decades through the device of an amendment to a petition whose original prayers bore no nexus

whatsoever with the question of title, the petitioner cannot now be permitted to circumvent the statutory scheme so as to achieve collaterally what it could not have sought directly.

128. In this connection, the observations of a Full Bench of the Punjab and Haryana High Court in ***Dr. Kidar Nath Sharma v. Rattiram Mangli*** AIR 1966 P&H 321 are instructive. The Full Bench made reference to an earlier Division Bench judgment of that Court dated 13th March, 1963 in ***Ramjilal v. Lekhi***, which laid down that the task of determining which individuals were entitled to the benefit of the general declaration of *Bhumidhari* rights in accordance with the entries in the revenue records was of enormous magnitude and would consume years if every such case were to be contested. It was accordingly held that the record of Bhumidhari rights was to be made on the basis of revenue records, and that persons wishing to contest the certificates granted thereunder had ample opportunity to do so under Rule 8(4) of the Reforms Rules. In the same vein, a Division Bench of this Court in ***Gaon Sabha v. Jage Ram*** 1973 Rajdhani Law Reporter 597 held that a person seeking to challenge the correctness of entries in the land revenue forms must first apply to the Revenue Assistant under Rule 8(4) of the Reforms Rules, who may then require him to file a regular suit in a Civil Court. These decisions collectively underscore the principle that the statutory machinery must be invoked before recourse is given to this Court, and that bypassing such machinery altogether is impermissible.

129. The settled legal position with respect to revenue entries further buttresses this conclusion. The Hon'ble Supreme Court in ***Vishwa Vijay Bharati v. Fakhrul Hassan*** (1976) 3 SCC 642 held that entries in the revenue record ought generally to be accepted at their face value, and that

courts should not embark upon an appellate enquiry into their correctness unless it is shown that such entries were made fraudulently and surreptitiously. No such fraud has been established in the present case. To the same effect is the decision of the Allahabad High Court in ***Jagdeo v. Deputy Director of Consolidation*** MANU/UP/1079/2006, wherein it was held that revenue entries in respect of agricultural lands carry great evidentiary value, given the meticulous procedure prescribed for their recording, correction, and maintenance, and that they cannot be equated with entries made for purposes such as house tax under the Municipalities Act. It was further observed that purchasers of agricultural land and others dealing therewith invariably verify the right of the vendor from the revenue records alone a recognition of the primacy accorded to such entries in matters of title.

130. What further fortifies this Court in arriving at the aforesaid conclusion is the complete absence of *locus* on the part of the petitioner. The proceedings before the Revenue Authority were contested solely between the DDA and one Shri Ram Dhan, and admittedly, the petitioner was never impleaded as a party therein. This Court fails to comprehend how a third party, who was not even aware of the existence of such proceedings at the relevant time, can seek to assail a decree after the lapse of more than five decades.

131. It is also significant that neither the petitioners nor the respondents have placed any material on record to show that the order passed by the Revenue Authority was ever set aside, modified, or remained pending challenge in appeal or revision. On the contrary, the material on record reflects that the decree attained finality and was acted upon subsequently as

well. In fact, when the DDA later formulated the Self-Financing Housing Scheme (SFS), Vasant Kunj, and sought to utilize the land by stacking construction material and raising a boundary wall, certain persons including one Shri Kartar Singh approached the Civil Court claiming rights over the land on the strength of the order dated 30.07.1974 passed by the Revenue Assistant declaring them *bhoomidars*. The suit for permanent injunction was decreed in their favour and even the appeal preferred by the DDA came to be dismissed.

132. These subsequent developments lend further credence to the conclusion that the findings returned by the Revenue Authority had attained conclusiveness *inter se* the parties. The decree itself had been passed after due opportunity to the contesting parties, upon consideration of the relevant revenue records and the report of the Village Patwari, who had specifically recorded that the land belonged to private owners.

133. In these circumstances, this Court fails to see how a stranger to the proceedings can be permitted to impeach its validity at this belated stage. It may additionally be observed that the Revenue Act provides a clear procedure for impugning a wrong entry, if any, made in the record of rights, and that a party aggrieved by a mutation was required to have the same corrected through the prescribed statutory mechanism. Without applying for such correction, no party can be heard to contend to the contrary. The Legislature has expressly bestowed a presumption of correctness upon such entries, and the failure to seek their correction through the proper forum which alone is competent to adjudicate such a dispute renders the present application not only belated but fundamentally misconceived.

134. The settled legal position on the scope of writ jurisdiction in such matters admits of no ambiguity. As observed herein above that it has been consistently held in a catena of decisions that a decree passed by the Revenue Authority or the Board of Revenue cannot be set aside in writ proceedings, since the High Court does not exercise appellate jurisdiction over such tribunals. The only recognised exception to this principle is where the impugned decree is shown to be illegal on the face of the record, or where the findings recorded are so perverse as to shock the conscience of the Court and even this limited exception is available only to a party who has first exhausted the statutory remedies available to it. Neither condition is satisfied in the present case. The decree does not suffer from any apparent illegality, nor has the petitioner exhausted or indeed invoked any statutory remedy at any point in time. To permit a third party to mount a collateral attack upon a decree that has stood unchallenged for five decades would be repugnant to all principles of finality, repose, and the orderly administration of justice.

135. For all the foregoing reasons, this Court is not inclined to allow the application for amendment, which would have the effect of introducing an entirely new relief namely, a challenge to the title of the property into a petition whose original prayers bore no relation to any such claim. **Accordingly, the application bearing CM APPL. 10311/2025 stands dismissed.**

136. Having dealt with Issue No. 2, this Court shall now proceed to adjudicate upon the principal controversy arising in the present proceedings, namely, whether the approvals and sanctions granted in favour of Respondent Nos. 4 to 14, are contrary to standing laws including sanction

dated 13.05.2024, the Delhi Municipal Corporation Act, 1957, the Delhi Development Act, 1957, MPD-2021, Unified Building Bye-Laws, 2016, and the applicable planning regulations, thereby warranting interference under Article 226 of the Constitution of India.

137. At the outset, it becomes necessary to appreciate the statutory and regulatory architecture governing the present controversy in its entirety rather than in the selective and fragmented manner. The Master Plan for Delhi, 2021, the Unified Building Bye-Laws, 2016, and the Regulations for Enabling the Planned Development of Privately Owned Lands, 2018 do not operate in isolation. They constitute an integrated planning framework intended to secure orderly urban development, planned utilisation of land, and balanced infrastructural growth within the National Capital Territory of Delhi. The provisions contained therein are therefore required to be interpreted harmoniously and purposively so as to further the object of planned development, rather than in a narrow or compartmentalised manner leading to internal inconsistency within the statutory scheme.

138. It is equally necessary to bear in mind the institutional character of the authorities whose decisions are under challenge in the present proceedings. The Screening Committee, the Technical Committee, and the Building Plan Committee are specialised statutory and technical bodies constituted precisely to examine, weigh and decide questions of planning, development control, road access, environmental impact, and regulatory compliance. Such bodies undertake detailed technical scrutiny upon examination of planning records, layouts, site conditions, circulation networks, Floor-Area Ratio (FAR) calculations, and infrastructural feasibility, which are matters requiring specialised expertise. The scope of judicial review under Article

226 of the Constitution of India in matters involving technical planning decisions is therefore necessarily limited. Constitutional Courts do not sit as appellate planning authorities to substitute their own views for those arrived at by expert statutory bodies merely because another view may also be possible. Interference is warranted only where the decision-making process is shown to suffer from patent illegality, manifest arbitrariness, *mala fides*, or clear violation of statutory provisions.

139. The principal challenge raised by the Petitioners proceeds on the premise that the Subject Property itself could not have been processed under the "*Regulations for Enabling the Planned Development of Privately Owned Lands, 2018*" (*hereinafter, "2018 Regulations"*) and that its incorporation within the integrated layout framework of Sector-B, Pocket-1, Vasant Kunj is fundamentally contrary to the planning scheme envisaged under the Delhi Development Act and MPD-2021.

140. According to the Petitioners, the Subject Property originally formed part of acquisition proceedings undertaken for planned development and had always been represented as part of the Vasant Kunj Residential Scheme floated by DDA. It has further been contended that once notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 had been issued and the area stood urbanised, the Revenue Authorities lacked jurisdiction to declare bhumidari rights *vide* judgment dated 30.07.1974, and consequently the subsequent chain of title relied upon by Respondent Nos. 4 to 14 is *void ab initio.*

141. *Per contra,* the Respondents have consistently maintained that the Subject Property remained privately owned land throughout, that it was never acquired under the acquisition proceedings in question, that the land

stood specifically de-notified on 20.08.1996 and that the rights of Respondent Nos. 4 to 14 emanate from valid revenue entries, mutation records, and registered conveyance documents. Reliance has also been placed upon the communication dated 22.02.2024 issued by the Land Acquisition Collector (South), expressly stating that the Subject Property is free from acquisition.

142. Upon consideration of the rival submissions, this Court finds that the challenge raised by the Petitioners essentially seeks reopening of complex questions relating to acquisition, title, bhumidari rights, de-notification, and ownership extending back several decades. Such issues are not only heavily disputed on facts but have also undergone substantive adjudication before competent forums in earlier proceedings.

143. At this stage, this Court finds it apposite to refer to the Order dated 07.12.2012 passed by the learned Presiding Officer, Appellate Tribunal, **MCD in Appeal No. 24/AT/MCD/2009**, which had comprehensively examined the status of the Subject Property, the nature of the rights claimed by the private Respondents, and the extent of authority, if any, vested in the DDA to object to development over the said land.

144. The Appellate Tribunal, MCD, while deciding the aforesaid appeal upon remand by the learned District Judge (South), examined the legality of the rejection of the Appellants' layout plan by the Municipal Corporation of Delhi ("MCD") on the basis of objections raised by DDA. Upon appreciation of the material placed before it, the Tribunal returned a categorical finding that the Subject Property was privately owned land, continued to stand mutated in the names of the Appellants in the revenue records, had never been acquired, and was residential in land use where

Group Housing was permissible in terms of the applicable notification dated 05.06.1999.

145. The Tribunal further noticed that though DDA had sought acquisition of the land since the year 1989 for the purposes of the "*Vasant Kunj Residential Scheme*", no acquisition proceedings had culminated for more than two decades and, significantly, the area itself stood de-notified *vide* notification dated 20.08.1996. The Tribunal also took note of the statement made by the Assistant Town Planner, MCD, to the effect that there existed no statutory provision requiring procurement of a No Objection Certificate from DDA for sanction of the layout plan. Proceeding on the aforesaid basis, the Tribunal held that the DMC Act constituted a complete code in itself insofar as sanction of layout plans was concerned and that the MCD alone was competent under Section 313 thereof to process and sanction the proposal.

146. The Tribunal categorically held that DDA possessed no right, title, control or jurisdiction over the subject land and that mere contemplation of future acquisition did not empower it to obstruct development over private unacquired land, particularly in the absence of any statutory provision mandating such NOC. The ATMCD further held that MCD acted illegally in rejecting the proposal solely on the basis of DDA's objection, especially when DDA had earlier itself proposed "*no objection*" to the development. Rejecting DDA's plea regarding planned development, the Tribunal held that speculative future acquisition could not curtail the Appellants' rights over their property and reiterated that even issuance of a notification under Section 4 of the Land Acquisition Act would not deprive the owners of their right to use the land until possession was taken. Accordingly, the impugned

order dated 23.12.2008 was set aside as suffering from "*patent illegality*" and the matter was remanded to MCD for fresh consideration uninfluenced by DDA's objections.

147. The aforesaid findings thereafter came to be substantially affirmed by the learned District and Sessions Judge in **MCD Appeal No. 04/2013** *vide* final judgment and order dated 16.07.2016. The learned Appellate Court, while dismissing the Appeal preferred by DDA, again noted that the Subject Property was admittedly a private, residential, and de-notified parcel of land standing mutated in favour of the landowners and that despite repeated requests made by DDA since 1989, no acquisition proceedings had culminated for more than two decades.

148. The Appellate Court also took note of the affidavits filed on behalf of the Vice Chairman, DDA, wherein categorical admissions were made that the Subject Property had neither been acquired nor placed at the disposal of DDA and that DDA exercised jurisdiction only in respect of acquired or notified development land. The Court further noticed DDA's subsequent stand that acquisition of the Subject Property was not financially viable and that the issue relating to sanction of the proposal was liable to be considered by the competent municipal authority. Upon consideration of the aforesaid material, the learned District & Sessions Judge held that a private landowner could not be indefinitely deprived of development rights merely because DDA contemplated possible acquisition at some future date, particularly when the proposed development was otherwise consistent with the residential land use prescribed under the applicable planning framework. The learned Court accordingly affirmed that no NOC from DDA was legally required for consideration of the proposal.

149. The aforesaid judicial determinations assume considerable significance in the present proceedings. The planning authorities, while processing the proposal under the 2018 Regulations and the applicable planning framework, were not acting in a factual or legal vacuum but upon the basis of findings already rendered by competent appellate forums regarding the status of the Subject Property and the absence of any legal embargo upon consideration of development permissions in respect thereof.

150. Further, this Court finds support in the aforesaid regard from the CEC Report, which itself records that the original DDA SFS Scheme of 1987 left the Subject Property out because the land could not be acquired, and that the parcel thereafter remained surrounded by multi-storeyed DDA residential housing. The planning authorities, therefore, proceeded upon the premise that the Subject Property constituted an undeveloped private pocket embedded within an otherwise planned residential layout.

151. Accordingly, the consistent findings of the ATMCD, the learned District and Sessions Judge, and the CEC Report conclusively settle the position that the **Subject Property is a private, unacquired and denotified parcel of land over which DDA possesses neither proprietary rights nor statutory authority to obstruct development.**

152. The remaining contentions of the respective parties, are discussed in detail hereinafter:

**(I) Alleged Violation of MPD- 2021**

**(a) Integration of Layout Plan**

153. The Petitioners have contended that the incorporation of the Subject Property into the existing layout plan of Sector-B, Pocket-1 amounted to a modification of an approved layout plan, which, according to them, could

only have been undertaken after following the mandatory procedure prescribed under Clause 11A of the MPD-2021. However, upon examination of the MPD-2021, it emerges that no such clause exists therein, and that the statutory framework governing modification of plans, including the requirement of public notice and invitation of objections, is in fact contained in the Delhi Development Act, 1957.

154. For the sake of convenience, the concerned Section 11-A of the DDA Act, 1957 is extracted hereunder-

> *"**11A. Modifications to plan.**—*
> *(1) The Authority may make any modifications to the master plan or the zonal development plan as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land-uses or the standards of population density.*
> *(2) The Central Government may make any modifications to the master plan or the zonal development plan whether such modifications are of the nature specified in sub-section (1) or otherwise.*
> *(3) Before making any modifications to the plan, the Authority or, as the case may be, the Central Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the Central Government.*
> *(4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the Central Government, as the case may be, may specify and the modifications shall come into operation either on the date of the publication or on such other date as the Authority or the Central Government may fix.*

> *(5) When the Authority makes any modifications to the plan under sub-section (1), it shall report to the Central Government the full particulars of such modifications within thirty days of the date on which such modifications come into operation.*
> *(6) If any question arises whether the modifications proposed to be made by the Authority are modifications which effect important alterations in the character of the plan or whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the Central Government whose decision thereon shall be final.*
> *(7) Any reference in any other Chapter, except Chapter III, to the master plan or the zonal development plan shall be construed as a reference to the master plan or the zonal development plan as modified under the provisions of this section."*

155. At the outset, it is necessary to appreciate the nature of the action impugned under this ground. The Petitioners proceed on the premise that any incorporation of a previously undeveloped parcel within an existing approved layout constitutes a "*modification*" attracting the full procedural rigour of Section 11-A of the DDA Act. This premise, in the considered opinion of this Court, conflates two conceptually distinct categories of planning action which the statutory framework treats differently and for good reason.

156. A modification of land use, that is, an alteration of the designated use of land from one category to another, such as from residential to commercial or from green space to institutional, directly affects the planning entitlements of the surrounding area and the expectations of those who have organised their lives and investments around the existing use designation. It is precisely such action that attracts the rigorous procedural safeguards

under the Delhi Development Act and MPD-2021, including public notice, opportunity for objections and higher-level regulatory scrutiny. The rationale underlying those requirements is the protection of third-party interests which may be prejudicially affected by a fundamental alteration of the planning character of an area.

157. The present case, however, involves no such alteration. The Subject Property has consistently retained its residential character within the planning framework. The proposal before the authorities pertained to residential group housing development within a zone already designated and developed for residential group housing purposes. No change of land use from one category to another was involved, and no fundamental alteration of the planning character of the surrounding area was occasioned. The action of the planning authorities in integrating the Subject Property within the layout framework of Sector-B, Pocket-1 was therefore a planning determination within an already permissible land use category and not a modification of land use in the sense contemplated under Section 11-A

158. It is equally significant that the integration of the Subject Property was not an *ad hoc* or unilateral act of the planning authorities but was undertaken specifically under the 2018 Regulations, which were specifically framed under Section 57 of the Delhi Development Act to address undeveloped privately owned land pockets embedded within larger planned and urbanised areas. The 2018 Regulations themselves prescribe a defined procedure for such integration, involving examination by the Screening Committee and the Technical Committee of the DDA, each of which is a competent expert body entrusted with the responsibility of examining the planning, infrastructural and regulatory dimensions of the proposal. The

objective underlying the said Regulations is to avoid creation of permanently undeveloped enclaves within otherwise planned urban layouts and to integrate such land parcels into the planning framework in a regulated and coordinated manner. To superimpose upon that procedure the additional requirements of Section 11-A, which addresses a different category of planning action altogether, would be to read the two provisions in a manner that is neither harmonious nor consistent with the distinct objects they respectively serve.

159. In this regard, the Minutes of the 368th and 370th Screening Committee Meetings, read conjointly with the Minutes of the 11th Technical Committee Meeting dated 23.12.2019, assume considerable significance. The Technical Committee specifically noted that the Subject Property forms part of the integrated layout plan of Sector-B, Pocket-1, Vasant Kunj and examined the proposal within the framework of residential land use applicable to the area. The material placed on record *prima facie* indicates that the Subject Property retained residential character within the planning framework and that the proposed development likewise pertains to residential group housing. Consequently, the present case does not involve any alteration of land use from residential to commercial, industrial, or institutional use so as to attract the rigours applicable to change of land use under the Delhi Development Act and MPD-2021.

160. Therefore, the contention of the Petitioners that the Subject Property was impermissibly "*inserted*" into the approved layout at a subsequent stage also does not merit acceptance in the facts of the present case.

161. This Court is therefore of the considered opinion that the challenge raised by the Petitioners to the very applicability of the 2018 Regulations

and to the incorporation of the Subject Property into the planning framework cannot be accepted. The planning authorities were acting within the contours of the applicable statutory and regulatory framework, and no patent illegality has been demonstrated warranting interference by this Court in exercise of writ jurisdiction.

162. For the foregoing reasons, this Court holds that the procedure under Section 11-A of DDA Act, 1957 was not attracted in the facts of the present case, and that the planning authorities committed no illegality in proceeding under the 2018 Regulations without independently initiating the Section 11-A process.

**(b) Collusion in the Approval Process**

163. The Petitioners have alleged, under this composite head of challenge, that misleading and manipulated layout plans were submitted to falsely depict independent access to the Subject Property and to incorporate existing DDA infrastructure within the proposed project, that the approvals were granted in collusion with private developers, and that the MCD granted sanction under Section 336 of the Delhi Municipal Corporation Act, 1957 without first obtaining approval of a layout plan as mandatorily required under Sections 312 and 313 of the said Act. This Court has carefully considered each of the aforesaid allegations and finds, for the reasons set out hereinbelow, that none of them merit acceptance.

164. Dealing first with the allegations of fraud and collusion, it is a well-settled principle that allegations of manipulation and collusion, particularly in the context of statutory planning approvals granted by expert public bodies, cannot rest upon mere assertion. Such allegations strike at the

integrity of the decision-making process and, precisely for that reason, require clear, specific and substantiated pleadings supported by demonstrable evidence. The graver the charge, the more exacting is the standard of proof required to sustain it. Bald assertions of manipulation, however forcefully or repeatedly urged, cannot substitute for proof, and this Court cannot proceed to invalidate approvals granted by competent statutory authorities on the basis of unsubstantiated insinuation alone.

165. The material placed on record, far from supporting an inference of manipulation or collusion, in fact points in the opposite direction. The proposal was subjected to scrutiny at multiple levels before sanction was granted, including before the Building Plan Committee of the MCD, the Screening Committee of the DDA, and the Technical Committee of the DDA. Each of these bodies is a specialised expert statutory authority constituted for the precise purpose of examining the technical, planning and regulatory dimensions of development proposals. The existence of such a multi-layered approval process, involving independent expert examination at each stage, is itself inconsistent with any credible inference of collusion or mechanical grant of sanction. The Petitioners have not identified any specific document alleged to have been fabricated, any particular representation alleged to have been fraudulently made before any of these bodies, or any material demonstrating that the scrutiny undertaken by them was anything other than genuine.

166. It is further relevant in this regard that the legislature, in its wisdom, has specifically provided under Section 338 of the Delhi Municipal Corporation Act, 1957 a statutory mechanism for cancellation of sanctions obtained on the basis of material misrepresentation or fraud. This remedy,

which is both appropriate and efficacious for addressing precisely the kind of allegation urged by the Petitioners, was never invoked. The Petitioners having neither availed of the said statutory remedy nor placed before this Court any material capable of establishing that any specific document was fabricated or any particular representation was fraudulently made, the allegation of fraud, manipulation and collusion in the approval process cannot be accepted and is accordingly rejected.

167. Turning to the contention regarding Sections 312 and 313 of the DMC Act, the Petitioners have urged that the grant of sanction under Section 336 without prior approval of a layout plan under Sections 312 and 313 renders the impugned sanction void for non-compliance with a mandatory statutory prerequisite. This Court is unable to accept the said contention on the facts of the present case. The layout of Sector-B, Pocket-1, Vasant Kunj, was an already approved and developed scheme. The Subject Property, upon being integrated within the existing approved layout framework through the process under the 2018 Regulations, was treated by the competent authorities as forming part of an already sanctioned layout plan rather than as a standalone parcel requiring a fresh and independent layout sanction. The ATMCD in its order dated 07.12.2012 had itself found that the MCD was the competent authority to process the proposal under the DMC Act and had directed fresh consideration of the same. The subsequent processing of the proposal by the Building Plan Committee, which involved detailed examination of planning parameters including FAR, setbacks, access, height and statutory compliances, constituted in substance the requisite consideration of the layout and development parameters applicable to the Subject Property.

168. The contention that an entirely fresh and independent layout sanction under Sections 312 and 313 was mandatorily required, as though the Subject Property existed in planning isolation, does not account for the fact that the Subject Property was processed as part of an integrated residential pocket with an already approved layout. Sections 312 and 313 are intended to ensure that development proposals are examined with reference to the layout framework governing the area before individual building sanctions are granted. That object was, in substance, achieved through the layered process of examination undertaken by the Screening Committee, Technical Committee and the Building Plan Committee in the present case. No prejudice having been demonstrated from the manner in which the proposal was processed, and no substantive infirmity in the approval process having been established, this ground is also rejected.

**(c) Environmental Clearance**

169. The Petitioners have contended that the Sanction Plan expressly conditioned commencement of construction upon prior obtainment of Environmental Clearance from the SEIA/SEAC, and that construction activity including tree felling and foundation work was commenced without such clearance. The Respondents have not effectively controverted this assertion. This is a ground which this Court treats with greater seriousness than the others urged in the present proceedings.

170. Conditions imposed upon a sanction are not mere directory requirements but constitute enforceable obligations defining the basis upon which authorization to commence construction rests. A sanction expressed to be conditional upon subsequent compliance cannot be construed as

conferring an unconditional licence to proceed in advance of fulfilment of stated preconditions. At the same time, this Court is not oblivious to the practical realities of the statutory clearance process. Environmental clearances involve multi-layered procedural scrutiny, public consultations and technical appraisals, all of which necessarily consume considerable time, and it is not uncommon for various statutory clearances to be processed concurrently over an extended period. The mere fact that a clearance was obtained subsequent to the grant of sanction does not, without more, establish deliberate circumvention of the regulatory framework, particularly where the clearance process was actively pursued and has since been duly completed.

171. The Environmental Clearance from MoEFCC was granted on 13.01.2025 during the pendency of these proceedings, and the Hon'ble Supreme Court *vide* order dated 12.08.2025 has since permitted the project to proceed subject to conditions. The subsequent obtainment of clearance does not, however, retroactively validate construction activity, if any, undertaken in breach of the express precondition prior to its grant.

**(d) The 18-Metre Right of Way (ROW) Requirement**

172. Having thus held, this Court shall now proceed to examine the next substantial objection raised by the Petitioners, namely, whether the Subject Property satisfies the minimum Right of Way ("ROW") requirement prescribed for Group Housing under the applicable planning framework.

173. The Petitioners have vehemently contended that the Subject Property does not directly abut an 18 metre ROW as allegedly mandated under Clause 4.4.3(B)(ii) of MPD-2021 governing Group Housing development.

According to the Petitioners, the actual frontage available to the Subject Property comprises only internal roads measuring approximately 13 metres in width and, therefore, the very grant of approval in favour of Respondent Nos. 4 to 14 is contrary to the mandatory planning norms prescribed under the Master Plan. It has further been argued that the DDA Screening Committee and Technical Committee impermissibly relied upon wider peripheral roads servicing the larger layout of Sector-B, Pocket-1 in order to artificially satisfy the said requirement.

174. In order to appreciate the aforesaid contention, it becomes necessary to extract the relevant planning provision. **Clause 4.4.3(B)(ii) of MPD-2021**, reads as under:

> *" ii. [Plots for group housing should be located on roads facing a minimum width of 18 m ROW (7.5m ROW for Redevelopment Areas / Rehabilitation area / Special Area / Village (Lal Dora / Firni) / Extended Lal Dora)*"

175. Clause 4.4.3(B)(ii) of MPD-2021, insofar as relevant, provides that Group Housing plots are required to "*face*" a minimum 18 metre ROW. The expression employed in the planning framework is significant. The provision does not state that every individual parcel must independently and exclusively abut an 18 metre road in isolation from the planning structure governing the surrounding layout. The requirement must therefore necessarily be understood in the context of the larger planning framework, circulation network, and integrated access structure applicable to the area in question.

176. At this stage, it is also important to note that the interpretation placed upon the aforesaid provision by the DDA Technical Committee and

Screening Committee constitutes the considered view of the specialised planning authorities entrusted under the Delhi Development Act, 1957 with implementation of MPD-2021 and regulation of planned development in Delhi. Such interpretation, unless shown to be ex facie arbitrary or contrary to the statutory scheme, deserves due deference in exercise of writ jurisdiction.

177. The record demonstrates that the issue relating to ROW and accessibility was specifically deliberated upon by the competent authorities during the processing of the proposal. The Minutes of the 368th Screening Committee Meeting dated 22.04.2019 reveal that the Committee consciously examined the accessibility and circulation pattern governing the Subject Property and took note of the fact that the parcel forms part of the integrated layout plan of Sector-B, Pocket-1, Vasant Kunj, which itself is serviced through a planned circulation network connected to wider arterial roads having 24 metre, 45 metre and 75 metre ROW. The Committee thereafter proceeded upon the planning assessment that the Subject Property could not be viewed in isolation from the integrated circulation framework of the larger residential pocket.

178. The aforesaid approach adopted by the planning authorities cannot be said to be alien to the statutory framework. On the contrary, the 2018 Regulations themselves specifically contemplate development of privately owned land pockets situated within already planned and urbanised areas. Clause 4.1 of the said Regulations envisages planned integration of such undeveloped private parcels within the larger layout of which they form an integral component.

179. The regulatory framework therefore itself recognises that privately owned enclaves situated within larger planned sectors are required to be examined in the context of the integrated planning structure surrounding them, rather than as standalone and disconnected parcels.

180. The position was thereafter independently affirmed by the DDA Technical Committee *vide* communication dated 10.01.2020, wherein the competent planning authority clarified that, the Subject Property being part of the integrated layout of Sector-B, Pocket-1, the ROW requirement could not be interpreted in the isolated and fragmented manner suggested by the Petitioners. The MCD Building Plan Committee subsequently relied upon the aforesaid clarification while processing the building plans and granting sanction dated 13.05.2024.

181. In the considered opinion of this Court, the interpretation advanced by the Petitioners would lead to impractical and unworkable consequences in the context of planned urban development.

182. Acceptance of the Petitioners' contention would effectively imply that every internal plot situated within a larger planned residential pocket must independently abut an 18 metre ROW irrespective of the integrated circulation network servicing the area as a whole. Such an interpretation would render development of numerous internal plots within planned colonies impossible despite adequate connectivity through the planned road network. Planning norms relating to accessibility and circulation cannot be interpreted in a manner divorced from the realities of integrated urban layouts.

183. The planning framework itself contemplates coexistence of plot-level development controls and sector-level circulation planning. Merely because

certain development parameters are assessed at the plot level does not necessarily imply that access and circulation must also be viewed in complete isolation from the larger integrated planning framework governing the surrounding sector.

184. This Court also finds merit in the submission advanced on behalf of the Respondents that Clause 1.6 of the 2018 Regulations specifically provides that interpretational issues are to be referred to the DDA for clarification. The MCD followed precisely this procedure by seeking clarification from the DDA regarding the issues of road width and permissible height, and thereafter acting upon the clarification furnished by the competent planning authority. Such procedure cannot be characterised as abdication of statutory responsibility or mechanical approval; rather, it reflects adherence to the regulatory mechanism specifically contemplated under the governing framework for resolution of planning interpretation issues. Therefore, it is safe to say that the concept of an "*integrated layout*" is not an afterthought introduced by the Respondents to circumvent regulatory requirements.

185. Accordingly, this Court is of the view that the Subject Property, when examined in the context of the integrated layout and circulation framework of Sector-B, Pocket-1, satisfies the minimum ROW requirement under Clause 4.4.3(B)(ii) of MPD-2021 and Clause 8.2(a) of the Unified Building Bye-Laws, 2016. Consequently, the clarification issued by the DDA Technical Committee *vide* communication dated 10th January, 2020, under MPD-2021 and the 2018 Regulations, cannot be said to be arbitrary, contrary to the planning framework, or liable to interference in exercise of jurisdiction under Article 226 of the Constitution of India.

**(e) Conformity With Surrounding Development: Clause 5.5 and Height Restrictions**

186. The aforesaid conclusion naturally leads this Court to the next limb of challenge raised by the Petitioners, namely, whether the proposed construction violates the requirement of conformity with the surrounding development under Clause 5.5 of the 2018 Regulations and whether the height of the sanctioned structure is contrary to the applicable planning framework.

187. The Petitioners have placed heavy reliance upon Clause 5.5 of the 2018 Regulations and have contended that since existing buildings surrounding the Subject Property within Sector-B, Pocket-1 predominantly comprise DDA SFS flats of approximately 3 to 4 storeys, the proposed development consisting of nine upper floors with stilt and basement levels is *ex facie* contrary to the requirement of conformity with surrounding development. According to the Petitioners, the proposed construction fundamentally alters the built character of the locality and disrupts the low-rise planning profile originally envisaged under the Vasant Kunj Residential Scheme.

188. At first blush, the aforesaid submission may appear attractive, however, upon closer scrutiny of the regulatory framework and the planning context in which the impugned approvals were granted, this Court is unable to accept the narrow construction sought to be placed by the Petitioners upon Clause 5.5 of the 2018 Regulations.

189. The 2018 Regulations were framed with the specific object of enabling planned and regulated development of privately owned

undeveloped land pockets situated within already urbanised and planned areas. The Regulations neither contemplate blanket prohibition on development of such parcels nor require that every future development identically replicate the precise built form of pre-existing structures surrounding it. At the same time, the Regulations undoubtedly seek to ensure that development undertaken thereunder remains compatible with the broader planning character of the surrounding zone. It is in this context that **Clause 5.5, as well as Clauses 4.1 and 4.4 of the Regulations**, are required to be understood. The relevant clauses reads as under:

> *"**4.1**. Development on the privately owned land shall be in consonance with the land use as notified in prevailing MPD / ZDP or land use / use premise mentioned in already approved layout plans / schemes of that area, if any or as specified in these Regulations."*
>
> *"**4.4**. The category / type of development activity shall be in conformity with the existing development on majority of the plots adjacent / surrounding the said land parcel."*
>
> *"**5.5**. Land parcels falling within the already approved or developed schemes of DDA/ ULBs/ other government bodies shall be in conformity with the surrounding development, irrespective of applicable development control norms. The development of such lands will be governed by the use/ activity and the development control norms of the surrounding development (subject to availability of required infrastructure services), maintaining the planned development around the land parcel."*

190. **Clause 5.5** provides that land parcels with already approved schemes must be developed "*in conformity with the surrounding development*".

**Clauses 4.1** and **4.4** similarly mandate that all development activity must be assessed in the context of the surrounding planned area. However, the expression "*conformity*" employed therein cannot be interpreted to mean exact replication of the height, design, or architectural profile of every immediately adjoining structure. Such an interpretation would not only be impractical but would also defeat the very object underlying evolving urban planning norms and contemporary development policies embodied in MPD-2021.

191. The expression "*surrounding development*" must necessarily be understood in the broader planning sense and not merely with reference to the immediately adjacent buildings viewed in isolation. The surrounding area of Sector-B, Pocket-1 is not a standalone enclave consisting exclusively of low-rise flats. It forms part of the larger Vasant Kunj Housing Scheme, which itself comprises multiple pockets and sectors containing residential developments of varying densities and heights, including group housing complexes and multi-storeyed residential structures. The planning character of the larger zone is therefore residential group housing and not merely low-rise walk-up apartments.

192. In this regard, the Respondents have specifically placed on record the existence of comparable group housing developments within the broader Vasant Kunj area having heights and scales substantially similar to the proposed development. Significantly, the Petitioners have not effectively rebutted the said factual position. The absence of any substantive challenge to the existence of such surrounding developments lends considerable support to the stand of the Respondents that the conformity requirement

contained in Clause 5.5 is satisfied when viewed in the context of the larger planned residential zone.

193. More importantly, Clause 5.5 cannot be read in isolation divorced from Clauses 4.1, 4.4 and 4.5 of the 2018 Regulations. A conjoint reading of the aforesaid provisions clearly indicates that the relevant unit of planning analysis is the planned area or residential pocket as a whole and not merely the immediately adjoining structures. The conformity requirement therefore mandates compatibility with the planning character of the surrounding zone rather than mechanical identity with existing neighbouring buildings. Since the proposed development itself is residential group housing within a residential group housing zone, the essential planning requirement stands satisfied.

194. This Court also finds merit in the submission advanced on behalf of the Respondents that the issue relating to permissible height was specifically examined by the competent planning authorities. The DDA Technical Committee, upon consideration of the applicable planning framework, clarified that no independent height restriction operated in the manner suggested by the Petitioners and that the permissible height would be governed by the applicable building bye-laws and statutory clearances. The record further demonstrates that requisite clearances from the Airports Authority of India, Delhi Fire Services, and other concerned authorities were duly obtained prior to grant of sanction.

195. The Unified Building Bye-Laws, 2016 and MPD-2021 do not prescribe that permissible height of a proposed structure must necessarily correspond to the height of surrounding buildings. Height restrictions under the applicable planning framework are governed by FAR, setbacks, fire

safety norms, aviation clearances, structural safety requirements, and other technical parameters. Once the competent authorities, upon examination of the applicable norms, granted approval subject to statutory compliances, this Court would be slow to substitute its own assessment in place of the technical determination rendered by expert planning bodies.

196. Further, the DDA's counter-affidavit unequivocally states that the applicable development control norms are to be governed by Clause 5.5 of the Private Land Policy. The impugned sanction permitting the proposed 33-metre development is entirely consistent with the said position and cannot be said to be contrary thereto. The record, in fact, demonstrates complete consistency in the stand adopted by the Respondents throughout the proceedings.

197. The clarification issued by the DDA Technical Committee *vide* **communication dated 10th January, 2020**, whereby it was concluded that no independent height restriction operated in the manner suggested by the Petitioners, is fully sustainable in law and in conformity with the applicable planning framework. The said determination was rendered by the competent expert authority upon consideration of the governing regulations, the layout structure and the surrounding planning context.

198. Accordingly, on perusal of the regulations and the sanctioned building plans, including the height parameters approved by the competent authorities, it is cannot be said that they are contrary to the provisions of MPD-2021 or the applicable development control norms.

199. In ***DLF Universal Ltd. v. Greater Kailash II Welfare Association***, LPA 2633/2005, a Division Bench of this Court had occasion to consider a Letters Patent Appeal arising from an order of a coordinate Bench, wherein

a challenge had been raised by the residents and welfare association of adjoining colonies against the sanction granted for the renovation and modification of the existing Savitri Cinema into a mini cinema hall-cum-commercial complex. The challenge was founded on the apprehension that the proposed project would lead to traffic congestion, parking difficulties, and public inconvenience in the surrounding areas. Upon examining the approvals granted by the MCD, DUAC, DCP (Traffic), DCP (Licensing), and other competent authorities, the Division Bench held that matters concerning parking norms, traffic circulation, and allied planning considerations fall squarely within the domain of the statutory and expert authorities entrusted with such functions, and that a writ court ought not to interfere with the exercise of such expert judgment in the absence of clear illegality or shocking arbitrariness. The Division Bench observed as under:

> *"**34**. We have carefully perused the judgment of the learned Single Judge and we are of the opinion that learned Single Judge has practically sat as a court of appeal over the decisions of the executive authorities. It may be mentioned that granting permission, regulating traffic etc. **are all executive functions and it is ordinarily wholly inappropriate for the judiciary to encroach into the executive function** vide VISA Steel Ltd & Ors. vs. Union of India & Others in W.P (C ) No. 20185-87/2005 decided on 8.12.2005, Rama Muthuramalingam, vs. Dy. Superintendent of Police, Mannargudi and Another AIR 2005 Madras |, etc. These decisions have referred to the relevant case law on the point, which may be seen.*
>
> *35. **Whether the relevant standards and requirements have been met is ordinarily for the concerned authorities to look into, and not for this Court.***
>
> *[.....]*

> *38. In our opinion, it was for the aforesaid authorities to consider whether the appellant's proposal met the requisite requirements under the law, and it is not for this Court to ordinarily go into these considerations.* ***The Court has to maintain judicial restraint and has to ordinarily defer to the opinion of the administrators, unless there is clear violation of law or something shockingly arbitrary.***
>
> *[.....]*
>
> ***42. This Court cannot sit in appeal over the opinion of the MCD and other authorities.*** *With respect to the learned Single Judge, we are of the opinion that he has wrongly stayed the sanction granted by the MCD even though he found no irregularity or mala fides in the sanction order, and despite the fact that the sanction had already been acted upon fully by the appeltant and the renovation/modification project had been completed in terms of the same even prior to the filing of the writ petition. In our opinion, the learned Single Judge should have dismissed the writ petition on the ground of laches because clearly the petitioner came after unreasonable delay"*
>
> ***[…Emphasis Supplied]***

200. The aforesaid judgment of the Division Bench was carried in appeal before the Hon'ble Supreme Court in ***Greater Kailash Part II Welfare Association & Ors. v. DLF Universal Ltd. & Ors.,*** (2007) 6 SCC 448., wherein the Hon'ble Supreme Court affirmed the view taken by the Division Bench and held that where the competent statutory, planning and traffic authorities had examined the proposal and granted sanction in accordance with the applicable Rules, Building Bye-Laws and regulatory framework, the writ court ought not to interfere merely on the basis of apprehended traffic congestion, inconvenience or possible traffic problems projected by the residents. The Hon'ble Supreme Court observed as under:

> *"58. The owner of a plot of land is entitled to use and utilise the same for any lawful purpose and to erect any construction thereupon in accordance with the existing rules. So long as such owner does not contravene any of the provisions which restrict his use of the plot in any manner, he cannot be prevented from utilising the same in accordance with law. In this case, Respondent 1 which is the owner of the plot in question cannot be denied the use of the plot on account of the apprehension of the appellants, particularly when he has already raised the structure in accordance with the sanctioned plan. It is not the case of the appellants that Respondent 1 has in any manner deviated from the building plan as sanctioned.* ***The grievance of the appellants is confined to the possible problem that may arise from the use of the building as a cinema hall-cum-commercial complex. Once the authorities who are competent to do so have indicated that the apprehension was unfounded, it is not for the writ court to interfere with such decision."***
>
> ***[……EmphasisSupplied]***

201. The aforesaid principles apply with full force to the controversy in the present case. As the Division Bench observed in ***DLF Universal Ltd(supra)***. and as affirmed by the Hon'ble Supreme Court in ***Greater Kailash Part II Welfare Association (supra),*** where the competent statutory, planning, and expert authorities have examined a proposal and granted sanction in accordance with the applicable rules and regulatory framework, a writ court ought not to interfere merely on the basis of apprehended congestion, inconvenience, or allied infrastructural concerns projected by third parties. The challenge in the present case is founded substantially upon such apprehensions of traffic congestion, environmental impact, and inconvenience notwithstanding that the project has undergone due scrutiny by every competent authority under the applicable regulatory framework. As

the Hon'ble Supreme Court observed, once the authorities who are competent to do so have indicated that such apprehensions are unfounded, it is not for the writ court to interfere with that determination. Significantly, no patent illegality, manifest arbitrariness, or violation of any governing statutory provision, building norm, or planning regulation has been demonstrated so as to warrant interference in the exercise of writ jurisdiction particularly in matters involving technical and administrative determinations that fall squarely within the specialised domain of expert authorities, and into which the judiciary ought not ordinarily to encroach.

202. It must also be borne in mind that MPD-2021 itself reflects a conscious planning shift towards vertical urban development as a necessary response to the acute scarcity of residential land in Delhi. The Master Plan recognizes that Delhi, being a land-constrained metropolitan city with continuously increasing population pressure, cannot sustainably rely upon horizontal expansion alone. The planning framework therefore consciously encourages optimal utilization of available urban land through higher density and vertical development, particularly in areas already forming part of planned urban infrastructure

203. The objective underlying such policy is evident from the broader scheme of MPD-2021, which seeks to balance planned urban growth with efficient land utilization, infrastructure optimization and housing availability. The encouragement of Group Housing and vertical development is intended to address precisely the problem of limited developable land within Delhi and the increasing demand for residential accommodation.

204. Viewed in this context, the mere fact that the proposed project contemplates greater height than some of the surrounding older DDA SFS

flats cannot, by itself, render the project contrary to the planning framework. It is reiterated that the surrounding development largely pertains to an earlier phase of urban planning and cannot operate as a perpetual restriction freezing all future development to the same height parameters irrespective of subsequent planning policy and statutory evolution.

205. Also, the planning framework under MPD-2021 does not proceed on the principle that future development must identically mirror the built form of older surrounding structures. Rather, it contemplates calibrated intensification and vertical growth, subject to compliance with infrastructural, safety and environmental safeguards.

206. Accordingly, the Petitioners cannot insist that the development potential of the subject property be confined to the height profile of older neighbouring structures, particularly when no such statutory embargo is borne out from the applicable planning regulations. Acceptance of such a contention would effectively render subsequent planning measures and revised development policies otiose, and would unjustifiably curtail the permissible utilisation of privately owned land despite full compliance with the governing norms and regulatory approvals.

207. The proposed construction represents a development sanctioned under the prevailing statutory regime and in furtherance of contemporary urban planning requirements. Merely because the surrounding structures were constructed under an earlier planning framework with comparatively lower height norms cannot operate as a legal prohibition against subsequent development undertaken in accordance with present-day regulations.

208. This Court is therefore of the considered view that no case is made out for interdicting the sanctioned construction on the ground urged by the

Petitioners. The relief sought, insofar as it seeks to restrain the Respondents from proceeding with the approved development solely on the basis of comparative building height, cannot be granted. **The sanctioned construction, having been approved by the competent authorities upon due consideration of the applicable planning framework and statutory requirements, does not warrant interference in exercise of writ jurisdiction.**

**(II) Environmental Jurisprudence And The Effect Of The CEC Report: Morphological Ridge**

209. The question as to whether the Subject Property forms part of the Morphological Ridge constitutes another substantial aspect of the controversy involved in the present proceedings.

210. The Petitioners have consistently contended that once the Subject Property was found to substantially fall within the Morphological Ridge Area, the proposed Group Housing Project became legally impermissible under the environmental regime governing protection of the Delhi Ridge. In support of the aforesaid contention, reliance has been placed upon the orders passed by Hon'ble Supreme Court in **W.P.(C) No. 202/1995** and connected proceedings, as well as the decisions rendered in ***Ashok Kumar Tanwar v. Union of India (supra)*** and ***DDA v. Kenneth Builders (supra).*** According to the Petitioners, once the ridge character stood established, the project could not be permitted to proceed merely by imposing conditions, as **Clause 3.2.4** of the 2018 Regulations excludes ridge areas from permissible development activities.

211. In this backdrop, the CEC Report dated 14.05.2025 assumes central significance. The CEC considered two separate applications, namely:

A. **Application No. 1587/2024** filed by Shri Rajiv Ranjan objecting to the proposed project on the ground that the Subject Property forms part of the Morphological Ridge Area; and

B. **Application No. 1608/2025** filed by M/s RR Texknit LLP seeking permission for construction of the Group Housing Project over the Subject Property.

212. Upon examination of the material placed before it, the CEC categorically recorded that approximately 4553 sq. metres out of the total 5353 sq. metres of the Subject Property falls within the Morphological Ridge Area. The CEC further observed that the ***E-Vanlekh Portal*** constituted the only objective basis for determining such status and expressly accepted the contention that the Subject Property possesses Morphological Ridge character. Ordinarily, such a finding would carry serious environmental implications, particularly having regard to the judicially recognised ecological significance and protected status accorded to ridge areas within the NCT of Delhi.

213. Now, ordinarily, a finding that the Subject Property falls within the Morphological Ridge Area would carry significant environmental implications, particularly having regard to the judicial protection consistently accorded to ridge areas within Delhi. However, the matter does not conclude merely with the aforesaid determination. Significantly, the CEC, during its site inspection conducted on 03rd January, 2025, recorded several important factual observations, namely that:

(a) the land was substantially flat in character;

(b) the site was surrounded by existing developed residential housing;

(c) the area did not exhibit rocky terrain, dense vegetation or biodiversity attributes typically associated with ridge ecosystems;

(d) the land was neither notified as Forest nor Protected Forest nor formally notified Ridge;

(e) the land was not classified as "Gair Mumkin Pahar" in the revenue records; and

(f) the approved integrated layout plan classified the land for residential use.

These observations assume considerable significance, as they demonstrate that although the Subject Property may technically fall within the Morphological Ridge delineation, the CEC did not regard it as ecologically analogous to an untouched or environmentally pristine ridge forest ecosystem warranting an absolute prohibition against development.

214. Most importantly, it is imperative to note at this juncture is that notwithstanding its express finding regarding the Morphological Ridge character of the Subject Property, the CEC ultimately did not recommend an absolute prohibition upon development over the land. On the contrary, after undertaking an extensive factual, environmental and planning assessment, the CEC consciously recommended that the project be permitted to proceed, albeit subject to stringent safeguards, environmental conditions, mitigation measures and continuing regulatory oversight. The significance of this conclusion cannot be understated. The CEC was fully conscious of the environmental sensitivity attributed to the area and yet, rather than recommending cancellation of the project or restoration of the land to an undeveloped state, it adopted a calibrated and balanced approach seeking to

reconcile environmental concerns with the existing planning and proprietary realities governing the Subject Property.

215. This Court is therefore required to harmoniously reconcile the two facets emerging from the CEC Report itself: first, the categorical observation that the Subject Property bears characteristics relatable to the Morphological Ridge; and second, the equally categorical conclusion that development over the land need not be altogether interdicted, provided adequate environmental safeguards and regulatory controls are imposed and continuously monitored. These two findings cannot be selectively read in isolation from one another. The Report, when read as a whole, does not proceed on the premise that every parcel identified as part of the Morphological Ridge is, by that reason alone, rendered absolutely incapable of development irrespective of its legal status, planning history, surrounding urbanization, or the nature of the proposed project. Rather, the CEC appears to have recognized the peculiar factual position of the Subject Property, namely that it is a long-standing private parcel embedded within an already urbanized and fully developed residential layout surrounded by multi-storeyed housing and civic infrastructure.

216. The Petitioners, however, seek to isolate the first observation and contend that the mere identification of Morphological Ridge characteristics necessarily invalidates all subsequent permissions, sanctions and approvals granted in favour of the project. Such an interpretation, in the considered view of this Court, is neither borne out from the language of the CEC Report nor consistent with the ultimate recommendations made therein. If the CEC itself, despite recording its environmental concerns, stopped short of recommending complete prohibition and instead proposed a framework of

conditional regulation and environmental compliance, it would be impermissible to read the Report as mandating an automatic and irreversible embargo upon all development activity. The Report, properly construed, reflects not an absolutist prohibition, but a nuanced balancing exercise between environmental preservation, planned development considerations, and the vested rights arising from the long-standing private character of the Subject Property.

217. The Respondents, on the other hand, have contended that all competent environmental, planning and statutory authorities, including the CEC itself, examined the peculiar and distinguishing factual circumstances surrounding the Subject Property before ultimately recommending conditional approval of the project. It has been submitted that the material placed on record clearly reflects that the surrounding locality already stands substantially urbanised and forms part of an extensively developed residential zone comprising multi-storeyed group housing, civic infrastructure, internal roads and other urban amenities developed over several decades. According to the Respondents, the Subject Property constitutes an isolated private parcel embedded within an otherwise fully developed urban residential fabric and, therefore, cannot be mechanically equated with untouched or ecologically pristine ridge forest land warranting an absolute prohibition against all forms of construction activity. It is their contention that the competent authorities consciously appreciated this unique factual matrix and accordingly adopted a balanced regulatory approach by permitting development subject to strict environmental safeguards, mitigation measures and continuing supervision, instead of

directing total prohibition or restoration of the land to its alleged original condition.

218. In the considered opinion of this Court, the aforesaid controversy can no longer be treated as *res integra* in view of the proceedings before the Hon'ble Supreme Court. *Vide* Order dated 12th August, 2025 passed in **W.P. (C.) 202/1995.**

219. In **W.P.(C.) 202/1995** before Hon'ble the Supreme Court, learned Senior Counsel appearing for M/s RR Texknit LLP supported the recommendations of the CEC and submitted that the proposed Group Housing Project possessed all requisite statutory approvals and clearances from the competent authorities, including the DDA, MCD, MoEFCC and other concerned agencies. It was further contended that the CEC, after examining the entire record including the reports of the Forest Department, had recommended approval of the project subject to stringent environmental safeguards. Per contra, learned Senior Counsel appearing for Shri Rajeev Ranjan opposed the recommendations of the CEC and reiterated that the Subject Property forms part of the Morphological Ridge Area and therefore ought not to be permitted for development. On the aforesaid basis, rejection of the CEC recommendations was sought.

220. The Hon'ble Supreme Court, however, after considering the rival submissions and the recommendations of the CEC, proceeded to accept the applications filed by M/s RR Texknit LLP and permitted the project to proceed subject to strict adherence to the conditions stipulated in the CEC Report. The observations of the Hon'ble Supreme Court are of considerable significance and merit reproduction:

> *"10. Be that as it may,* ***since the applicant is having valid permissions from all the competent authorities and since the CEC has also found that the permission to go ahead with the project can be granted on imposing certain stringent conditions, we see no reason not to accept the recommendations of the CEC.*** *In the event, it is found that the project proponent has committed a crime with regard to felling of trees, the law would take its own course. Further, a criminal also cannot be prohibited to use his property in the manner he desires, subject to obtaining requisite permissions from the competent authorities.*
>
> *11. In that view of the matter, IA Nos. 159062/2025 & 159063/2025 stand allowed subject to the project proponent scrupulously following all the conditions as stipulated in the report of the CEC. Consequently, IA Nos. 135736/2025, 136040/2025, 135954/2025, 173765/2025, 173767/2025 are dismissed. IA Nos. 126582/2025, 138810/2025 & 133813/2025 stand disposed of."*
>
> ***(Emphasis Supplied)***

221. The significance of the said order lies not merely in the fact that the CEC Report was taken on record, but in the circumstance that the Hon'ble Supreme Court, while fully cognizant of the findings concerning the Morphological Ridge character of the Subject Property, nonetheless permitted the matter to proceed in accordance with the conditional framework recommended by the CEC. The acceptance of the CEC recommendations by the Hon'ble Supreme Court necessarily indicates judicial approval of the balanced and conditional approach adopted therein, rather than an interpretation advocating a blanket embargo upon all developmental activity over the Subject Property. The issue must therefore

be viewed in light of the final position emerging from the proceedings before the Hon'ble Supreme Court, wherein environmental concerns were consciously weighed against the peculiar factual and planning realities governing the Subject Property, and a calibrated regime of regulated development was ultimately considered appropriate.

222. Accordingly, this Court is of the considered view that while the Morphological Ridge character of the Subject Property remains an important environmental consideration necessitating strict regulatory oversight, continuing compliance and rigorous adherence to all safeguards imposed by the competent authorities, the same cannot, in the peculiar factual and legal circumstances of the present case, justify complete invalidation of the impugned sanctions and approvals. The project shall, however, remain strictly governed by the environmental safeguards, monitoring mechanisms and compliance conditions imposed by the competent authorities, the CEC and the Hon'ble Supreme Court, and any deviation therefrom shall invite consequences in accordance with law.

**(III) Legitimate Expectation And Promissory Estoppel**

223. The Petitioners have also invoked the **doctrines of legitimate expectation** and ***promissory estoppel*** on the basis of the representations allegedly made by the DDA in the Vasant Kunj Self-Financing Scheme Brochure of 1987 and the corresponding layout representations pertaining to Sector-B, Pocket-1, Vasant Kunj. According to the Petitioners, the DDA had publicly represented that the Subject Property would either be developed as 48 SFS flats for the benefit of the residents of the colony or retained as green/open space comprising lawns and parking areas. It is their case that

several residents purchased flats in the locality acting upon the aforesaid representations and on the legitimate understanding that the character of the colony would remain substantially low-rise, planned and environmentally balanced. On that basis, it has been contended that the DDA is estopped from now permitting a high-density private Group Housing Project upon the Subject Property.

224. The doctrines of legitimate expectation and *promissory estoppel* undoubtedly constitute important principles of public law intended to secure fairness, consistency and non-arbitrariness in administrative action. Public authorities are ordinarily expected to honour representations legitimately made by them, particularly where citizens have altered their position acting in reliance thereupon. Equally, however, these doctrines cannot be applied in a manner that permanently freezes urban planning or disables statutory planning authorities from responding to evolving developmental requirements, demographic pressures and changing urban realities.

225. The Respondents have sought to answer the aforesaid contention by asserting that the brochure relied upon by the Petitioners pertained only to DDA-owned land and could not operate to regulate or restrict development upon privately owned land. At the same time, the Petitioners' plea of legitimate expectation operates at two distinct levels. Firstly, the Petitioners assert that the Subject Property itself constitutes DDA/Government land, though the adjudication of title disputes in that regard stands preserved before the competent civil forum. Secondly, and more fundamentally, the Petitioners contend that the overall planning character of the colony, including the existence of open areas, green spaces and low-density development, was publicly projected by the DDA and formed a material

basis upon which residents chose to acquire residential units within the locality.

226. This Court is unable to accept the proposition that a planning brochure or layout representation issued several decades ago creates an immutable and perpetual prohibition against any future redevelopment or alteration within an urban colony. Urban development plans are inherently dynamic instruments. Metropolitan cities such as Delhi are continuously shaped by population growth, infrastructural demands, land scarcity and evolving planning priorities. Consequently, redevelopment, densification and calibrated intensification of urban land use may legitimately become necessary within the framework of statutory planning controls. The planning process cannot therefore be judicially fossilised on the basis of representations made at a particular historical stage of urban development.

227. The Hon'ble Supreme Court in ***Howrah Municipal Corpn. v. Ganges Rope Co. Ltd.*** (2004) 1 SCC 663 clarified that the doctrine of legitimate expectation does not create an indefeasible or vested right capable of overriding statutory provisions. The Court observed that, at best, an applicant may possess a settled expectation that its application would be considered under the rules prevailing on the date of submission. However, such expectation remains subject to changes in law effected in public interest. The Hon'ble Supreme Court categorically held that where, during the pendency of an application, the governing statutory rules are amended, any expectation founded upon the unamended regime stands extinguished and cannot be enforced against the State or statutory authorities. It was further emphasized that no claim founded upon legitimate expectation or alleged vested right can prevail against subsequently enacted statutory

provisions introduced to serve larger public interest and convenience. The relevant paragraph reads as under:

> ***"37.*** *"The argument advanced on the basis of so-called creation of vested right for obtaining sanction on the basis of the Building Rules (unamended) as they were on the date of submission of the application and the order of the High Court fixing a period for decision of the same, is misconceived. The word "vest" is normally used where an immediate fixed right in present or future enjoyment in respect of a property is created. With the long usage the said word "vest" has also acquired a meaning as "an absolute or indefeasible right" [see K.J. Aiyer's Judicial Dictionary (A Complete Law Lexicon), 13th Edn.]. The context in which the respondent Company claims a vested right for sanction and which has been accepted by the Division Bench of the High Court, is not a right in relation to "ownership or possession of any property" for which the expression "vest" is generally used. What we can understand from the claim of a "vested right" set up by the respondent Company is that on the basis of the Building Rules, as applicable to their case on the date of making an application for sanction and the fixed period allotted by the Court for its consideration, it had a "legitimate" or "settled expectation" to obtain the sanction. In our considered opinion, such "settled expectation", if any, did not create any vested right to obtain sanction. True it is, that the respondent Company which can have no control over the manner of processing of application for sanction by the Corporation cannot be blamed for delay but during pendency of its application for sanction, if the State Government, in exercise of its rule-making power, amended the Building Rules and imposed restrictions on the heights of buildings on G.T. Road and other wards, such "settled*

> *expectation" has been rendered impossible of fulfilment due to change in law. The claim based on the alleged "vested right" or "settled expectation" cannot be set up against statutory provisions which were brought into force by the State Government by amending the Building Rules and not by the Corporation against whom such "vested right" or "settled expectation" is being sought to be enforced. The "vested right" or "settled expectation" has been nullified not only by the Corporation but also by the State by amending the Building Rules. Besides this, such a "settled expectation" or the so-called "vested right" cannot be countenanced against public interest and convenience which are sought to be served by amendment of the Building Rules and the resolution of the Corporation issued thereupon."*

This principle assumes particular significance in the present case, where the Petitioners seek to rely upon historical planning representations and the earlier low-rise character of the locality so as to restrain a development otherwise processed and sanctioned under the prevailing statutory and regulatory framework.

228. At the same time, the grievance raised by the Petitioners cannot be brushed aside as entirely insubstantial. Residents who purchased properties within a planned colony were undoubtedly entitled to expect that any significant alteration affecting the locality would occur transparently, rationally and in conformity with applicable planning norms. The doctrines of legitimate expectation and promissory estoppel may not, by themselves, invalidate the impugned project; however, they unequivocally require the planning authorities to act fairly, transparently and consistently, and to duly

account for the impact of intensified development upon the existing residential environment before permitting such development.

229. The Petitioners have further contended that the impugned project infringes Articles 14 and 21 of the Constitution of India by adversely impacting the rights of the residents and the Petitioner School to a safe, healthy and dignified living environment. According to the Petitioners, the scale and nature of the proposed development would substantially alter the existing character and equilibrium of the locality, adversely affecting the environmental quality, civic sustainability and overall habitability of the surrounding area. It is their case that the constitutional guarantee of life under Article 21 necessarily encompasses the right to reside in an environment consistent with principles of safety, environmental balance and orderly urban living, and that any development undertaken without adequate regard to such concerns would fail to satisfy the constitutional requirement of fairness and reasonableness.

230. There can be no dispute with the proposition that the Right to life under Article 21 encompasses the right to a healthy, safe and environmentally sustainable living environment. Equally, however, Article 21 cannot be construed as prohibiting planned urban development undertaken in accordance with law and subject to statutory safeguards. The constitutional obligation of the Court is therefore to ensure that development proceeds within the discipline of the rule of law, environmental protections and planning norms. The Court cannot proceed on the assumption that every urban development project necessarily results in violation of Article 21 merely because residents perceive inconvenience, increased density or alteration of neighbourhood character. Conversely, statutory authorities

cannot disregard genuine infrastructural, environmental and safety concerns merely because a project formally satisfies technical parameters on paper.

231. This Court also cannot lose sight of the larger statutory and planning philosophy underlying MPD-2021 and the framework governing urban development in Delhi. Delhi is a land-constrained metropolitan city facing continuous demographic pressure, rapid urbanisation and an ever-increasing demand for residential accommodation. The availability of developable urban land is inherently limited. It is precisely for this reason that MPD-2021 consciously promotes optimal utilisation of available urban land through planned redevelopment, Group Housing and calibrated vertical development, particularly in areas already supported by existing infrastructure and civic amenities. The Master Plan does not contemplate perpetual freezing of localities in the precise form in which they may originally have been developed decades earlier. Urban planning is necessarily evolutionary in character, and development norms, density patterns and housing policies must adapt to changing population realities and infrastructural demands. The surrounding DDA SFS flats in the present case largely belong to an earlier phase of Delhi's urban planning history. The fact that such structures were originally developed at comparatively lower height and density levels cannot operate as an absolute or perpetual restriction prohibiting all future intensification of residential development within planned urban areas. At the same time, MPD-2021 does not permit unrestricted or unregulated construction. The governing planning framework seeks to secure planned growth subject to compliance with environmental safeguards, infrastructural sustainability, traffic management norms and public safety requirements. The balance envisaged under MPD-2021 is

therefore not between "*development*" and "*non-development*", but between planned urban growth and unregulated urbanisation. So long as the proposed development remains within the discipline of statutory planning controls and is subjected to adequate environmental and infrastructural safeguards, the objective of planned urban development under MPD-2021 cannot be defeated merely because the proposed structures are taller or denser than certain older surrounding developments.

232. In view of the aforesaid discussion, this Court finds no legal basis to invoke the principles of promissory estoppel or legitimate expectation so as to invalidate the impugned sanction. The material relied upon by the Petitioners, including the brochure and layout representations, at best reflected the planning position prevailing at the relevant point in time and cannot be elevated to the status of a binding and immutable assurance controlling all future planning decisions concerning the locality.

233. The jurisdiction exercised by statutory planning authorities necessarily includes the power to revisit, revise and adapt development patterns in accordance with contemporary urban requirements and applicable regulatory frameworks. Unless a clear statutory infraction, manifest unreasonableness or abuse of power is established, the Court would not substitute its own perception of desirable urban development for that of the competent planning authorities.

234. The Petitioners have failed to demonstrate that the impugned project has been sanctioned dehors the governing statutory regime or in violation of any enforceable legal right arising from the doctrines invoked by them. The plea founded upon promissory estoppel and legitimate expectation, therefore, does not merit acceptance and cannot constitute a valid ground to

restrain the Respondents from proceeding with the sanctioned development and is accordingly dismissed.

**(IV) The Masonic Public School's Concerns**

**(a) Impact of Traffic**

235. The Petitioner School contends that the impugned Group Housing Project would aggravate congestion on the existing approach road, rendering the same inadequate for school operations and emergency access, and that the Traffic Impact Assessment ("TIA") stands vitiated as the traffic survey was conducted during summer vacations when the School was not operational. The aforesaid submissions are required to be examined in the backdrop of the material placed on record and the previous proceedings concerning the issue of access to the School.

236. The issue concerning access to the School is not *res integra* and had independently engaged the attention of this Court in **W.P.(C.) No. 1797/2016** instituted by the parent organization of the Petitioner School. Pursuant thereto, the Vice-Chairman, DDA constituted a multi-disciplinary Committee which, after site inspection and consultation with stakeholders, recorded that the School had always been accessed through the existing 13.5 metre internal road forming part of the approved layout plan of Sector-B, Pocket-1, Vasant Kunj, and further found that creation of any separate motorable access route through the adjoining green/waterbody area or beneath the 66 KV high-tension line was not feasible owing to environmental and safety constraints as well as the likelihood of tree cutting. Consequently, by speaking order dated 30.08.2024, the Vice-Chairman, DDA directed that the said 13.5 metre internal road shall continue to remain the approach road for the School and further directed the RWA B1 Vasant

Kunj to ensure that the road is cleared of parked vehicles. Simultaneously, in order to reduce pedestrian movement on the internal road, DDA directed provision of a separate pedestrian pathway for students from Aruna Asaf Ali Marg through the adjoining green area in Khasra No.1220 with appropriate fencing and safeguards. The arrangement thus envisaged retention of the existing vehicular access together with provision of an independent pedestrian entry, the pedestrian pathway being intended not as a substitute for the motorable access road but as an additional mitigating measure to facilitate smoother circulation. The aforesaid arrangement subsequently received judicial recognition in the order dated 21.01.2025 passed by this Court in **CONT.CAS(C) No. 118/2024** and **W.P.(C.) No. 1797/2016,** whereupon the parent organization of the School stated that its grievances stood adequately addressed and did not press for any further relief.

237. As regards the challenge to the TIA, this Court is unable to accept the submission that the report stands vitiated merely because the survey was conducted during the summer vacation period. The report itself expressly discloses that schools in the vicinity were closed during the survey period and that the likely impact thereof was considered while preparing the assessment. There is thus no concealment in the methodology adopted. Significantly, the TIA formed part of the Environmental Clearance process and was examined by the SEAC and other competent expert authorities before grant of approval. The Petitioners have placed no independent technical study, expert opinion or counter-assessment demonstrating that the conclusions of the report are so fundamentally flawed or perverse as to warrant judicial interference. Mere disagreement with the conclusions of a

technical assessment cannot justify substitution of judicial opinion for that of specialized expert bodies.

238. It is also material that the sanctioned project incorporates structured basement parking and regulated internal circulation systems designed to accommodate vehicular demand substantially within the project site itself, thereby minimizing dependence upon on-street parking and reducing spillover onto the existing internal road network. This assumes significance in light of the specific direction issued by the Vice-Chairman, DDA for removal of parked vehicles from the existing internal road. The proposed development, therefore, is not shown to aggravate the existing situation; rather, the sanctioned planning measures are intended to aid and improve traffic management and circulation within the pocket.

239. It is also relevant that the School accepted allotment of its land in 1988 within a larger urban scheme which contemplated residential and group housing development. The School has co-existed for decades with a substantial resident population utilizing the same circulation network. The incremental addition arising from the present project cannot therefore be said to justify interdiction of the sanctioned development itself.

240. The existence of a functioning educational institution in the vicinity cannot operate as an absolute embargo against all future development upon adjoining privately owned land, particularly where such development has proceeded through a layered statutory approval process involving planning authorities, municipal authorities, environmental bodies and other expert agencies. Planned urban development necessarily requires balancing competing public and private interests and, so long as access to the institution continues to remain available and mitigating measures have been

evolved by the competent authorities, this Court would be slow to interfere in exercise of jurisdiction under Article 226 of the Constitution.

241. The scope of judicial review in matters involving technical planning assessments and traffic evaluation is limited to examining whether the decision-making process suffers from arbitrariness, mala fides, non-application of mind or violation of statutory provisions. No such infirmity is made out in the facts of the present case. **The contentions of the Petitioner School on the issue of traffic, circulation and access are accordingly rejected.**

**(b) <u>Other Contentions</u>**

242. The Petitioner School has further contended that the proposed construction activity including the movement of labour, operation of machinery, dust generation, vibration, and construction noise would adversely affect the functioning of the School and the educational environment of its students. This Court, while not entirely dismissing such concerns as fanciful, is nonetheless of the view that apprehensions of this nature, rooted as they are in conjecture rather than demonstrated fact, cannot by themselves constitute sufficient ground to invalidate sanctions and approvals that have been duly granted by the competent statutory and expert authorities upon due application of mind. The question which therefore arises for consideration is not whether some degree of inconvenience may attend the construction activity in proximity to the Petitioner School, but whether any legally cognisable infirmity in the impugned approvals has been established so as to warrant interference by this Court in exercise of its writ jurisdiction a threshold which, for the reasons that follow, the Petitioner School has failed to meet.

243. The record indicates that the project proposal has undergone consideration before the competent planning, municipal and environmental authorities within the framework of the applicable statutory regime. The Petitioners have not placed on record any independent technical assessment or material demonstrating that the authorities completely failed to consider the existence and functioning of the Petitioner School while processing the project, or that the concerns relating to construction activity are of such nature that the sanctioned development itself becomes incapable of proceeding within the regulatory framework governing urban construction activity. The apprehensions raised by the Petitioners substantially pertain to the manner in which construction activity is to be undertaken and regulated during the execution phase of the project.

244. It also cannot be overlooked that temporary inconvenience, traffic movement, construction noise, dust generation and related operational issues are matters which may arise to varying degrees in the course of urban development activity and ordinarily fall within the sphere of supervision and regulation by the concerned authorities during execution of the project. The mere possibility of such inconvenience, by itself, cannot furnish a ground to interdict a development project which has otherwise undergone scrutiny and approval under the applicable planning and regulatory framework. In this regard, this Court finds guidance from the principles laid down by the Division Bench of this Court in ***DLF Universal Ltd.(supra)***, as affirmed by the Hon'ble Supreme Court in ***Greater Kailash Part II Welfare Association(supra)***, wherein it was observed that matters concerning traffic circulation, planning requirements and allied infrastructural considerations ordinarily fall within the domain of the competent expert authorities, and

that a writ court ought not to interfere merely on the basis of apprehended inconvenience or possible traffic and infrastructural concerns once the competent authorities have examined the proposal in accordance with the governing framework

245. This Court, having considered the matter in its entirety, is of the view that the material placed on record falls considerably short of establishing any illegality, arbitrariness, or jurisdictional infirmity in the impugned sanctions and approvals so as to warrant interference in exercise of the jurisdiction vested in this Court under Article 226 of the Constitution of the India. The writ petition, *insofar* as it seeks invalidation of approvals duly granted by the competent statutory and expert authorities, is accordingly without merit. It is, however, made clear that the concerned authorities shall remain obligated to ensure that the execution of the project is carried out in strict conformity with the applicable permissions, conditions, and regulatory requirements governing the same, and that any deviation therefrom shall be dealt with in accordance with law.

## CONCLUSION

246. In view of the foregoing discussion and findings returned on the issues framed hereinabove, this Court is of the considered opinion that no ground warranting interference under Article 226 of the Constitution of India is made out insofar as the challenge to the impugned planning approvals, sanctions, and consequential permissions is concerned. The challenge raised by the Petitioners essentially seeks re-appreciation of technical and planning determinations rendered by expert statutory authorities; nevertheless, no patent illegality, manifest arbitrariness, *mala*

*fides*, or jurisdictional infirmity having been established so as to justify interference in exercise of writ jurisdiction.

247. At the same time, considering the nature of the concerns raised regarding environmental safeguards, statutory compliances, and adherence to the sanctioned plans, this Court deems it appropriate to ensure that the development permitted pursuant to the impugned approvals remains strictly regulated in accordance with law.

248. Accordingly, **the present petitions are disposed** of in the following terms:

**I.** The prayers seeking quashing of the sanction dated 13.05.2024 issued by the Municipal Corporation of Delhi, the Minutes of the 368th and 370th Screening Committee Meetings of the Delhi Development Authority, and all consequential approvals and permissions granted in favour of Respondent Nos. 4 to 14, are rejected.

**II.** The prayers seeking quashing of the order dated 07.12.2012 passed by the learned Presiding Officer, Appellate Tribunal, MCD in Appeal No. 24/AT/MCD/2009 and the judgment dated 16.07.2016 passed by the learned District & Sessions Judge in MCD Appeal No. 04/2013 are also rejected.

**III.** The prayers seeking restraint against construction over the Subject Property on the grounds of alleged violation of the Right of Way requirements, height restrictions, conformity clauses, layout integration, and planning norms under MPD-2021, Unified Building Bye-Laws, 2016, and the applicable Regulations, stand rejected.

**IV.** The prayers founded upon the doctrines of legitimate expectation and promissory estoppel based upon the Vasant Kunj Self Financing Scheme

Brochure and the original layout depiction are also rejected, no enforceable legal right having been established so as to invalidate the impugned approvals on the said basis.

**V.** Nevertheless, the Respondent authorities shall ensure that the proposed construction and development over the Subject Property strictly conform to the sanctioned plans, applicable environmental norms, fire safety requirements, aviation clearances, traffic circulation standards, and all other statutory conditions imposed under the applicable laws, rules, regulations, and bye-laws.

**VI**. The impugned sanction dated 13.05.2024 and all consequential approvals shall remain subject to continued compliance by Respondent Nos. 4 to 14 with all statutory requirements, permissions, environmental conditions, and compliances contemplated under the applicable Standard Operating Procedures, statutory framework, and regulatory approvals. In the event of any deviation from the sanctioned plans or breach of statutory conditions, it shall remain open to the competent authorities to take action strictly in accordance with law.

**VII.** Nothing contained in the present judgment shall be construed as an expression on the merits of any independent civil, title, acquisition, environmental, or statutory proceedings, if any, pending or initiated before any competent forum in accordance with law.

249. Accordingly, **W.P.(C) No. 11283/2024** titled ***Vasant Kunj Residents Welfare Association, Sector-B, Pocket-1 & Ors. v. Government of NCT of Delhi & Ors.*** and **W.P.(C) No. 17433/2025** titled ***Masonic Public School v.***

***Delhi Development Authority & Ors.*** stand dismissed in the aforesaid terms.

250. Pending applications, if any, stand disposed of. No order as to costs.

**SHAIL JAIN**
**JUDGE**

**MAY 29, 2026**
*HP/RM/MM/DG*