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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3269/2014 & C.M.No.8677/2014

R K KAPOOR, ADVOCATE

..... Petitioner

Through: Petitioner in person with Mr.Anand
Prasad, Adv.

versus

THE HIGH COURT OF DELHI & ORS.

..... Respondents

Through: Mr.Rajiv Bansal, Adv. with
Ms.Arпита, Adv. for DDA.
Mr.Anurag Ahluwalia, CGSC with
Mr.Prashant Ghai, Adv. for
L&DO/UOI.
Ms.Ruchi Sindhvani, Adv. for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE R.K. GAUBA

ORDER

27.04.2015

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1. By order dated 07.08.2014, this court had directed the respondents Govt. of NCT of Delhi (GNCTD), the Union of India (UOI) –through its various departments (Ministry of Urban Development, Ministry of Law and the Ministry of Finance) to intimate to this court, after *inter se* consultations, also involving Delhi Development Authority (DDA), the availability of additional land to ensure creation of infrastructure in the vicinity of the existing courts complex, having regard to the sanctioned cadre strength of Delhi Judicial Service (DJS) and Delhi Higher Judicial



Service (DHJS). The respondents had also been directed to submit appropriate response with respect to both immediate as well as long-term needs of physical infrastructure such as land and building for such purpose. By a subsequent order, passed on 10.11.2014, the Chief Secretary, GNCTD was directed to consult the concerned agencies such as the Land and Development Officer (L&DO), DDA, New Delhi Municipal Corporation (NDMC), Public Works Department (PWD) and Registrar (BMC) of this court and suggest a suitable mechanism for monitoring, on uniform basis, the action towards identification of land, progress of various clearances, such as funding, approvals, sanctions and construction of court buildings. The respondents were also directed to indicate all available vacant public buildings/lands in their respective control or in the control of other official agencies in and around the vicinity of existing courts complex.

2. The fourth respondent (GNCTD) has filed its response in the form of affidavit of Mr. Mani Bhushan Malhotra, Deputy Secretary (Law, Justice & Legislative Affairs) submitted on 07.11.2014, and status report submitted on 16.12.2014, based on the meeting convened by the Chief Secretary, GNCTD on 27.11.2014, pursuant to order dated 10.11.2014. The third respondent (Union of India), which controls the land, has not submitted any response pursuant to the directions in the order dated 07.08.2014.

3. The GNCTD in the affidavit of Deputy Secretary (Law, Justice & Legislative Affairs) narrates at length the efforts to identify appropriate locations suitable for setting up of additional courts complex made by the “Core Group”, headed by the Principal Secretary (Law, Justice & Legislative Affairs), GNCTD, in the wake of decisions taken in the meeting of Hon’ble the Chief Justice and Judges of this court with Hon’ble the Chief



Minister held on 28.07.2009, reports whereof were considered by the Building Maintenance and Construction Committee (BMCC) of this court from time to time. We find nothing substantial in the minutes of the meeting convened by the Chief Secretary, GNCTD on 27.11.2014 pursuant to our order dated 10.11.2014 except deliberations upon some stray suggestions as to the locations/lands/buildings, most of which have been the subject matter of reports of the Core Group already considered. We notice that the meeting chaired by the Chief Secretary suggests that a Committee may be constituted by this court for resolution of the issues at hand. The Chief Secretary suggests such Committee to comprise of senior officers of GNCTD, Delhi High Court, DDA, L&DO, CPWD, PWD and other concerned departments. The mechanism suggested by the Chief Secretary in the said minutes would be more or less repetitive of the experiment already undertaken in the form of “Core Group” constituted pursuant to the decision taken in the meeting of 28.07.2009 referred to earlier.

4. Having regard to the experience gained through the endeavours made on the subject thus far, we are of the view that a mechanism of a level higher than the one earlier adopted needs to be put in position. The importance of the subject does not need reiteration. The State is not relieved of its obligation by mere augmentation in the cadre strength of judicial services. The increased judicial manpower cannot be utilized unless correspondingly increased infrastructure in the form of court rooms, etc. is made available. This was the spirit of the understanding reached with the Head of government in NCT in the meeting held on 28.07.2009.

5. Whilst it is true that the primary responsibility for recruitment to the judicial posts is that of this court, the reasons why the High Court finds it



difficult to fill up the backlog vacancies are not unknown to the executive branch of the State. The Deputy Secretary (Law, Justice & Legislative Affairs) in his affidavit informs this court (paras 32 and 43) that GNCTD is “committed to provide all possible assistance for creation of sufficient infrastructure compatible with the existing vacancies” and further that “if any prospective site for construction of a new court complex is finalized by the High Court of Delhi the Government of NCT of Delhi will take follow up action immediately and accordingly as per the established procedures.” In light of the progress made (or rather lack of it) thus far upon the assurances held out in the meeting of 28.07.2009, we do not feel very reassured with the above-quoted assertions. The Government will have to come up with a more concrete response on ground rather than platitudes. It must bear in mind that it is not possible for the High Court to “finalize” unless the government identifies, allocates and makes available suitable locations.

6. Agreeing with, and pursuant to, the suggestion given in the minutes of the meeting chaired by the Chief Secretary, GNCTD on 27.11.2014, we constitute a High-powered Committee as under:-

- (i) Chief Secretary, Govt. of NCT of Delhi – Chairman
- (ii) Registrar General, High Court of Delhi – Member
- (iii) Principal Secretary, (Law, Justice & Legislative Affairs, GNCTD) – Member/Secretary
- (iv) Nominee of the Vice Chairman, DDA (not below the rank of Commissioner) – Member
- (v) Nominee of the Secretary (Urban Development), Government of India (not below the rank of Joint Secretary) – Member



- (vi) Principal Secretary (Finance), GNCTD – Member
- (vii) Principal Secretary (PWD), GNCTD – Member
- (viii) Principal Secretary (Land & Building), GNCTD – Member

7. We direct the High-powered Committee, constituted as above, to presently carry out the task of identifying appropriate parcels of land, preferably in the vicinity of existing District Courts Complex of Delhi and of optimum size, for development of additional court infrastructure, commensurate with the needs of the existing strength of judicial services, also taking into account the projected future needs, ideally to provide independent infrastructure separate for each judicial district of Delhi. The Committee is expected to take up the task thus assigned in right earnest and expeditiously adopting a result-oriented approach in *sync* with the assurances held out as noted above. We hope and trust that the nominees of the Government of India and DDA to the Committee shall also render full co-operation on the subject.

8. We are mindful of the fact that the Chief Secretary, GNCTD is saddled with multifarious responsibilities. We, however, feel that given the earlier experience, the presence of the Chief Secretary at the helm of the Committee is absolutely essential since it would ensure due primacy to the subject and timely compliance by all concerned.

9. The Court would consider constitution of separate Committees for project developments, once the endeavour to secure the identification/allocation of lands bears fruit.



10. Needless to add, the Registrar General, as nominee of this court, shall be advising the Committee appropriately and from time to time as to the parameters and standards on which the parcels of land have to be selected.
11. The Chief Secretary, as the Chairman of the Committee, shall have the liberty to co-opt any other member or agency for assistance/advice.
12. The court expects the Committee to keep this court informed by submitting periodical reports of the action taken. The Committee is expected to carry out its task at the earliest, preferably within four months of this order.
13. We direct Chief Secretary to convene the first meeting of the Committee on 05.05.2015. The Committee shall thereafter meet at least once in three weeks or such periodic shorter intervals as are convenient.
14. Copy of this order shall be communicated forthwith by the Registry to all concerned.
15. List on 28.05.2015.

R.K.GAUBA
(JUDGE)

S. RAVINDRA BHAT
(JUDGE)

APRIL 27, 2015

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