

## REGULARISATION OF UNAUTHORIZED COLONIES

### WRIT PETITION IN DELHI HIGH COURT

A matter of considerable consequence to the metropolis of Delhi has been taken to the Delhi High Court by COMMON CAUSE. Pressures have been for long developing on Delhi Administration to effect regularisation of the numerous slum areas of jhuggies and jhonparis which have over the years continued to be established in various areas of the city. These unauthorized colonies have been ostensibly utilized for purposes of vote banks by politicians aspiring for elections. On a previous occasion, some years ago, nearly 700 unauthorized colonies were got regularised, and this time another 600 unauthorized colonies were being promoted for regularisation just prior to the initiation of the recent election processes of the metropolis. Regularisation of the unauthorized colonies means the extension to them of all civic amenities, including electricity, water supply, roads, sewerage etc. which are already overstretched in the city and are causing difficulties to the residential areas established on the basis of Master Plan. There being no alternative left for preventing the use of this instrument for political purposes the Writ Petition was filed in the Delhi High Court. The Lt. governor of Delhi, Union Ministry of Urban Development, Chief Secretary of Delhi Administration, Vice Chairman of Delhi Development Authority, Commissioner of the Municipal Corporation of Delhi, and the Administrator of New Delhi Municipal Committee were impleaded in the Writ Petition. The Petition came up before a Division Bench of two Judges on 13 October 1993. The Court ordered issue of Show Cause Notices to all Respondents, returnable in a fortnight. Simultaneously, direction was issued to all Respondents restraining them from taking any further decision or action regarding regularisation of any unauthorized colony in the city till further orders. The matter presently stands adjourned for submission of replies by the Respondents and will continue to be further pursued.

Considering the importance of this matter, and the example that it can be construed to set for other cities in the country we are reproducing hereunder the substance of this Writ Petition:

### WRIT PETITION RE: UNAUTHORIZED COLONIES

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING FOR ISSUANCE OF A WRIT OF MANDAMUS OR OTHER SUCH WRIT, DIRECTION OR ORDERS DIRECTING THE RESPONDENTS TO REFRAIN FROM ISSUING ANY SANCTIONS WHICH MAY BE TANTAMOUNT TO REGULARISATION OF THE UNAUTHORIZED COLONIES DEVELOPED AT VARIOUS PLACES IN DELHI FOR WHICH DEMANDS FOR REGULARISATION ARE PRESENTLY BEING VOICED BY CERTAIN INTERESTED PARTIES; SUCH REGULARISATION OPENING UP LIKELIHOOD OF SERIOUSLY AFFECTING THE QUALITY OF LIFE OF THE RESIDENTS OF THE CITY WHICH WOULD BE ADDITIONALLY VIOLATIVE OF PROVISIONS OF ARTICLE 21 OF THE CONSTITUTION OF INDIA.

To:

Hon'ble Chief Justice of Delhi and His Companion  
Justices of Delhi High Court

The humble Petition of the Petitioner above-named

MOST RESPECTFULLY SHEWETH

1. The COMMON CAUSE, a registered Society and public interest organisation, has submitted a number of writ petitions in the Supreme Court as well as Delhi High Court and has secured on them important decisions. It has established its locus standi for taking up citizens' causes for seeking redressal.
2. That this Petition seeks to present the serious problem which, if the Respondents are not restrained, is expected to be shortly perpetrated at Delhi to the detriment of the residents of this city, further aggravating the civic difficulties which they are presently confronting. It is reported that there are proposals of according



regularisation to about 600 additional unauthorized colonies which have developed at various places in the city, flouting all norms and requirements of urban planning and development. It is generally being stated that this action is likely to be perpetrated on the demand of various politicians who have been interested in promoting, encouraging and stimulating the development of such unauthorized colonies for their purposes of using them as vote banks. The motivation for the development of these unauthorized colonies is stated to be primarily to make use of those underprivileged masses who can thus be utilized in being lodged initially in unauthorized colonies, pressurizing civic and other administrative authorities to accord regularisation to the colonies, and thereafter shifting their attention to further expansion of such colonies for similar purposes.

3. That it is generally known that over the past decades this methodology has been repeated in such manner that in the past three decades as many as 700 colonies are reported to have been already regularized at Delhi. Out of these 600 unauthorized colonies are reported to have been regularised with effect from 31-12-1977. The regularisation of such unauthorized colonies inevitably leads to extension to them of the civic services of the nature of electricity supply, water supply, drainage, sewerage, roads, street lighting, stretching the resources of the municipal authorities beyond what was originally planned, to the limit of breakdown of these services. The extension of such services to these colonies creates serious difficulties for the municipal authorities as well as for the other citizens in as much as there are, for instance, frequent breakdowns of electricity supply, extreme shortage of water supply, non-maintenance of roads, flooding of roads and residential areas, poor maintenance and performance of drainage and sewerage etc. Such disruption and malfunctioning of civic services affects the quality of life of the people in general besides making life difficult for the residents of these colonies themselves.

4. That it is also worth mention that creation of such colonies and their subsequent regularisation is also seriously prejudicial to the proper and effective implementation of the Master Plan of Delhi which inevitably has unfortunate ecological implications. It may also be pointed that these colonies are created on government land which has been acquired by the government or is otherwise owned by the government for planned development of the city.

5. That it is well known that the planned development of Delhi has greatly suffered on account of the development of unauthorized and subsequently regularised colonies. Numerous citizens have in the normal course been waiting for long years for allotment of residential accommodation in properly planned and developed areas; development of such residential areas has been thrown out of gear and adversely prejudiced by the multiplication and growth of the unauthorized colonies. Resources and civic facilities of water supply electricity, sewerage, drainage, roads etc. have necessarily to get diverted from the requirements of planned residential areas to the unauthorized colonies sponsored and motivated by considerations other than the planned development of the city.

6. That the Petitioner wishes to particularly emphasize that in the process of sponsoring, motivating and encouraging the setting up of these unauthorized, and subsequently regularised colonies, the interests of underprivileged persons do not really get served; they are encouraged to act illegally and to gain from such illegal acts; their moral fabric gets undermined; they get encouraged to dispose of the illegally secured gains and move over to other areas for creating new unauthorized colonies; and these measures inevitably generate an atmosphere of crime as well as develop a nexus between property dealers and land grabbers, operations of land mafia, and a general lowering of the standards of morals.

7. That the Petitioner prays to the Hon'ble Court for a positive direction to the concerned authorities, the Respondents, to take immediate notice of these serious problems and to desist from any action which may eventuate in according regularisation of these colonies which are presently unauthorized and to also undertake comprehensive survey of those unauthorized colonies which have already been accorded regularisation for determining what measures can be taken to minimise the difficulties which are being experienced in relation to the administration of these colonies and provision of essential civic services to them. The Petitioner urges that the Hon'ble Court may, on the grounds mentioned herein below, take notice of this prayer.



8. GROUNDS

1. Because there are reports that the Respondents as concerned administrative authorities are being pressurised to regularise a large number of unauthorised colonies of Delhi, numbering possibly as many as 600, which regularisation will inevitably disrupt the provision and planned development of civic services of the nature of electricity supply, water supply, roads, street-lighting, sewerage and drainage etc., and will also disrupt the proper implementation of Master Plan of Delhi on the basis of which proper development of Delhi has been envisaged and projected.
2. Because the inevitable consequence of the regularisation of these unauthorised colonies will, besides leading to disruption of the Master Plan of Delhi and the provision of civic services, bring about degeneration of the living standards of the people, exposing also the underprivileged sections of the populace themselves to serious hardships, lead to degeneration of morals; further development of crime, encouragement of adoption of illegal methods for attaining the objectives, and thereby not really benefiting the underprivileged people for whom the politicians, for furtherance of their own purposes of creating vote banks, are encouraging the development of these unauthorised colonies and subsequently pressurising for their regularisation.
3. Because it is not in the interest of the residents of the city, nor of the residents of the unauthorised colonies, to be encouraged to adopt the illegal means of attaining the objective of initially setting up unauthorised colonies and thereafter demanding their regularisation for the purposes of extension of civic facilities which inevitably lead to enhancement of property values. These developments have led to the creation of land mafias, nexus between them and property dealers, encouraging the underprivileged sections of the society to later move over to other areas for establishing more unauthorised colonies and demanding their regularisation.
9. That the Petitioner has not filed any other Writ Petition or similar Petition on the same subject before the Hon'ble Supreme Court or any other High Court.

P R A Y E R S

10. It is, therefore, respectfully prayed that the Hon'ble Court may kindly be pleased to:
  - (i) issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents, collectively as well as individually, to desist from according any sanction which may lead to regularisation of any colony, other than those which have already been regularised, which has developed in an unauthorised manner and without the sanction of authorities concerned with the sanction and approval of such development;
  - (ii) to issue a writ of mandamus or any other appropriate writ, order or direction, directing that the Respondents should make it unmistakably clear that in no circumstances in future will any sanctions be given which would lead to the regularisation of any colonies which are developed in an unauthorised manner without the sanction and approval of prescribed authorities;
  - (iii) issue a writ of mandamus or any other appropriate writ, order or direction, directing that the Respondents should undertake a comprehensive survey of all those colonies which were originally developed in an unauthorised manner and were subsequently regularised, for determining how the residents of those colonies are faring in the matter of provision of civic amenities in those colonies, and what needs to be further done to ameliorate the living conditions of all those underprivileged section of the society who are living in those colonies, and also to determine what steps need to be taken to ensure that the rights accruing to individuals living in such unauthorised - regularised colonies do not get transferred on their own volition or otherwise; and
  - (iv) Pass such other and further order or orders or give further or other reliefs as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Drawn and Filed by

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DIRECTOR, COMMON CAUSE