

Common Cause Vs. Union of India

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SooperKanoon Citation : sooperkanoon.com/708532

Court : Delhi

Decided On : Nov-03-2000

Reported in : AIR2001Delhi93

Judge : Arijit Pasayat, C.J. and D.K. Jain, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : C.W. Nos. 4464 of 1992, 4771/93, 154/95, 1184 and 3224/96, 948 and 967/97, 2738 and 3990/98 and 4485

Appellant : Common Cause

Respondent : Union of India

Advocate for Pet/Ap. : Meera Bhatia,; Bidyarani,; Amit Sharma,;

Judgement :

Arijit Pasayat, C.J.

1. These writ petitions have been essentially filed questioning regularisation of unauthorised colonies. The main plan of challenge is that, without definite guidelines, policy or scheme, regularizations were being effected at the ipsi dixit of the authorities. Several interim orders have been passed in the cases. Along with the affidavit dated 13th February, 2001 filed in CWP 4771/93 as amended by the affidavit dated 20th February, 2001, certain guidelines for regularisation of

unauthorised colonies have been filed. Since there was no specific challenge to guidelines, if any, the present writ petitions have become infructuous. We note that stand of some is that, we should not put our seal of approval to the guidelines filed. As the applicability of the guidelines or the correctness thereof is not under challenge in any of the writ petitions, the question of our putting seal of approval or otherwise to it does not arise. It has also been urged by some that there is no definite information regarding colonies to be regularised.

2. We therefore dispose of the writ petitions with the following directions/observations:

(a) It would be appropriate if the Union of India, Ministry of Urban Affairs and Employment, Department of Urban Development notifies colonies, which according to it are to be regularised and which cannot be regularised, in terms of General Principles, more particularly, paragraph (1.1) of the guidelines.

(b) Till the modalities in terms of the guidelines are worked out, interim orders passed in CWP 4771/93 and connected petitions shall be operative.

(c) By giving the direction/making observation, it shall not be construed as if we have expressed any opinion about the legality or otherwise of the guidelines in question.

3. All the writ petitions accordingly are disposed of.

4. Writ Petitions disposed of.