

ITEM NO.8

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1378/2020

RAJEEV SURI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 125932/2020 - EX-PARTE STAY

IA No. 125934/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 23-11-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Shikhil Suri, Adv
Mrs. Madhu Suri, Adv
Ms. Nikita Thapar, Adv
Ms. Vinishma Kaul, Adv
Ms. Komal Gupta, Adv
Ms. Mahima Aggaarwal, Adv
Mr. T. R. B. Sivakumar, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Kanu Agrawal, Adv.
Ms. Mrinalini Elkar Majumdar, Adv.
Mr. Amrish Kumar, AOR

Ms. Garima Prashad, Sr. Adv.
Mr. Nishit Agrawal, AOR
Mr. Harsh Mishra, Adv.
Mr. Akshay Chowdhary, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard Mr. Shikhil Suri, learned
counsel for the petitioner.

The challenge has been limited to only one
issue as noted in order dated 25th October, 2021.

In light of that challenge, detailed reply affidavit has been filed by the respondent(s) giving requisite information about the necessity to effect change in land use in respect of Plot No. 1 including the compensatory provisions made for effecting such a change.

It is not the case of the petitioner that authorities have no power to introduce such change.

The only argument is that in the past since the plot was reserved as recreational ground, it should have been retained as such and, at least, commensurate area should have been provided elsewhere for that purpose.

This cannot be the scope of judicial review. It is the prerogative of the authority concerned and the change effected in the development plan, in one sense, is a matter of policy.

It is not the case of the petitioner that the change has been effected for some *mala fide* reason.

Suffice it to observe that sufficient explanation has been offered in the reply affidavit, which justifies the need for change in land use in respect of Plot No.1. We find no reason

to examine the matter further and therefore, put quietus to the entire issue by dismissing this petition summarily. Ordered accordingly.

Pending applications shall also stand disposed of accordingly.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER