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

+ W.P.(C) 7384/2023 & CM APPL. 27695/2024

GRAM SUDHAR SABHA (REGD.)

..... Petitioner

Through: Mr. Sunil Dutt Dixit & Mr. Sajal Dutt
Dixit, Advs.
M: 7292005634
Email: sddoffice2@gmail.com

versus

NATIONAL CAPITAL TERRITORY OF DELHI
& ANR.

..... Respondents

Through: Mr. Anupam Srivastava, ASC with
Mr. Dhairya Gupta, Adv. for R-1 and
3.
M: 9811128170
Ms. Manika Tripathy, SC with Mr.
Naveen K. Sarswat, Adv. for DDA.
M: 9811831835
Email: manikatripathy@yahoo.com

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Date of Decision: 9th May, 2024

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

MINI PUSHKARNA, J: (ORAL)

CM APPL. 27695/2024

1. The present application has been filed on behalf of the petitioner for early hearing of the matter.
2. Considering the submissions made, the present application is allowed and the matter is taken up for hearing today.
3. With the aforesaid directions, the present application is disposed of.



W.P.(C) 7384/2023

4. The present petition has been filed seeking direction to the respondent nos. 1 and 2, more particularly respondent no.2, i.e., Delhi Development Authority (“DDA”) to update, correct and upload the corrected image/map of the unauthorized colony, i.e., *Wazirpur Extension Village, Ashok Vihar, Delhi* with registration no. 346, as shown on the DDA portal (PM-UDAY CELL).

5. It is the case on behalf of the petitioner that the petitioner is an association registered under the Societies Registration Act, representing the residents of village Wazirpur in Delhi.

6. The counsel for the petitioner submits that initially respondent no.1 issued a Provisional Regularization dated 17th September, 2008 towards the said colony. The colony was then regularized in 2019, when the National Capital Territory of Delhi (Recognition of Property rights of residents in Unauthorized Colonies) Act, 2019 came into force and included the said colony in the list of unauthorized colonies that are to be regularized.

7. It is submitted that during the process of regularization, it was found that the correct plan of the unauthorized colony, i.e., *Wazirpur Extension Village, Ashok Vihar, Delhi* had not been uploaded, due to which many of the residents have been unable to apply and seek the benefits of the PM UDAY Scheme, due to want of proper delineation of the aforesaid colony. Thus, the present writ petition has been filed for directions to the respondents to update, correct and upload the corrected image/map of the aforesaid colony.

8. It is submitted that the PM UDAY Scheme is meant for regularization of unauthorized colonies and the petitioner fulfils all the criteria for the said Scheme. However, the only thing missing is a correct map of the said colony



on the portal of respondent no.2, for which the petitioner has even fulfilled all requisite requirements. Despite the same, DDA has failed to update, correct and upload the corrected image/map of the colony in question.

9. Having heard learned counsels for the parties and having perused the record, this Court notes that by order dated 04th April, 2024 it had been noted that the respondent no. 3 had stated its consent to share the co-ordinates of the polygon boundary of the Wazirpur Extension Village with DDA. The order dated 04th April, 2024 reads as under:

“1. Attention of this Court has been drawn to the affidavit filed on behalf of respondent no. 3, wherein it has been stated as follows:-

“xxx xxx xxx

7. To address this issue, it is further submitted that in compliance of order of Hon'ble Court GSDL is ready to share the co-ordinates of the polygon boundary of Wazirpur Extension Village with DDA which can be uploaded by the DDA to effectively serve the purpose.

xxx xxx xxx”

2. Accordingly, it is directed that respondent no. 3 shall share the coordinates of the polygon boundary of Wazirpur Extension Village with Delhi Development Authority (“DDA”) within a period of week.

3. At request, list on 02nd May, 2024 in the “Top Five matters in the Advance List”.

4. The next date of hearing of 23rd July, 2024 stands cancelled.”
(Emphasis Supplied)

10. At this stage, it is also relevant to note the affidavit filed on behalf of respondent no.3-Geospatial Delhi Ltd, relevant portions of which, read as under:

“xxx xxx xxx

3. That it is submitted that Geospatial Delhi Ltd (hereinafter referred as GSDL) creates maps on the basis of information/data provided by various departments. The ownership of the said data/information continue to be with the concerned department.



4. It is submitted that GSDL was directed by Respondent No. 1 i.e., Urban Development Department, GNCTD vide letter dated 27.08.2021 to prepare a corrected map of Unauthorised Colony No. 346 Wazirpur Extension Village after consulting the Revenue Department, Govt. of NCT of Delhi. Thereafter, the SOM, Saraswati Vihar provided the TSM survey map/CAD files to the GSDL vide its letter dated 23.02.2022. Copies of letters dated 27.08.2021 & 23.02.2022 have been annexed herewith as Annexure 1.

5. That I submit that based on the TSM survey data received from the SDM, Saraswati Vihar, the GSDL has generated the corrected map of Unauthorised Colony No. 346 Wazirpur Extension Village and a hardcopy of the said map has already been provided to the President of the Petitioner herein on 11.08.2023. Furthermore, two hardcopies and a soft-copy in PDF format have been delivered to the Chairman of the Boundary Committee, DDA and GIS incharge - PM UDAY, DDA i.e. Respondent No. 2 herein.

6. That I submit that the shape file format of a map is a geospatial vector data for geographical information system which is digital and editable. In order to maintain security, authenticity and integrity of the data, shape files are not shared with any agency. Therefore, the authenticity of such shape files once shared with any other party, cannot be assured. It is respectfully submitted that in order to maintain the security, integrity & authenticity of such shape files, the GSDL does not share shape files with any agency. GSDL has already informed the Petitioner and Respondent No. 1 and 2 of the status vide its letter dated 25.08.2023. A copy of the letter dated 25.08.2023 has been annexed herewith as Annexure 2.

7. To address this issue, it is further submitted that in compliance of order of Hon'ble Court GSDL is ready to share the co-ordinates of the polygon boundary of Wazirpur Extension Village with DDA which can be uploaded by the DDA to effectively serve the purpose.

xxx xxx xxx”

(Emphasis Supplied)

11. Learned counsel appearing for the respondent nos. 1 and 3 submits that pursuant to the order dated 04th April, 2024 passed by this Court, the co-ordinates of the polygon boundary of the Wazirpur Extension Village, have already been shared with the DDA on 15th April, 2024. The letter dated 15th April, 2024 issued by the respondent no.3 to the DDA, in this regard, is extracted hereunder:



*“F.No./GSDL In the High Court Matter GSDL VS Gram Sudhar Sabha/
Dated:-15-04-2024*

*To,
The Member Secretary (Boundary Committee),
Delhi Development Authority
A-Block, Wing Vikas Sadan, INA,
New Delhi -110023*

*Sub: Gram Sudhar Sabha Wazirpur vs. NCT of Delhi & Anr. II W.P.(C)
7384/2023.*

*Ref: Hon’ble Court Order Dated 4/04/2024 - GRAM SUDHAR SABHA
(REGD).*

Sir,

*This is with reference to the Hon’ble Court order dated 04-04-2024,
regarding sharing the coordinates of the polygon boundary of Wazirpur
Extension Village with Delhi Development Authority (DDA).*

***In this connection, GSDL is providing an A3 size pdf map of Wazirpur
Extension Village along with list of Coordinates of the polygon
boundary in Excel sheet format.***

*DDA will ensure that the data provided by GSDL will not be shared with
any private person or body.*

Yours Sincerely

*Amit KC Gupta
(Geospatial Executive, GSDL)*

Enclosure:-

- 1. A3 size hard copy pdf map of Wazirpur Extension Village.*
- 2. 1 CD, including Wazirpur Extension Village pdf map and list of
coordinates.*

Copy to:-

- 1. Sh. Subhash Khari, Gram Sudhar Sabha, Wazirpur Village, Delhi-
110052.*
- 2. PS to Managing Director, GSDL for information please.*
- 3. PA to CS & CFO, GSDL”*

(Emphasis Supplied)

12. This Court notes the stand of DDA in this regard, wherein the DDA in



the affidavit filed before this Court, has stated as follows:

“xxx xxx xxx

4. That, as per Para 03 of Minutes of Meeting dated 28.06.2023, it was decided that-

a. The President of Gram Sudhar Sabha, Wazirpur will pay the requisite amount to GSDL for providing the exact shape file of the colony Wazirpur Extn. Village Registered no. 356 (map No. 1355).

b. As and when the shape file of the Unauthorised colony of Wazirpur Extn. Village registration no. 346 (Map No. 1355) will be received by DDA, a meeting of the Boundary Committee will be scheduled.

5. That, in the absence of the digital shape file, DDA is not in a position to schedule a meeting of the boundary committee to decide to upload the map of the said colony on its portal.

xxx xxx xxx”

(Emphasis Supplied)

13. Since it has now come to fore that the digital Shape File of the aforesaid colony has already been shared with the DDA, it would be imperative to refer the matter to the Boundary Committee, in order that the Boundary Committee considers the digital Shape File of the colony in question and takes relevant decision with respect to uploading the updated map of the aforesaid colony on the portal of the DDA.

14. At this stage, learned counsel appearing for the DDA submits that Boundary Committee has since been dissolved.

15. If that be the case, since the fact of the correct digital Shape File of the aforesaid colony needs to be considered, it would be in the fitness of things to direct re-constitution of the Boundary Committee, in order to consider the issue of uploading the updated map of the aforesaid unauthorized colony in question.

16. However, learned counsel appearing for the DDA submits that re-



constitution of the Boundary Committee will take a long time, as different stakeholders are involved, including the DDA, Government of National Capital Territory of Delhi (“GNCTD”) and Press Survey of India (Union of India) (“UOI”).

17. Accordingly, it is directed that the Chief Secretary, Government of National Capital Territory of Delhi (“GNCTD”) shall take up the matter for the purposes of re-constitution of the Boundary Committee, so that the issue regarding uploading of the correct, updated and exact Shape File of the aforesaid colony, can be considered by the Boundary Committee and a considered decision is taken with respect to updating and correcting the image/map of the said colony, by uploading the same on the DDA portal.

18. It is expected that steps shall be taken expeditiously for re-constitution of the Boundary Committee, preferably within eight weeks from today.

19. Thereafter, the re-constituted Boundary Committee shall decide the issue regarding uploading of corrected, updated image/map and the exact Shape File of the aforesaid colony. The said consideration be undertaken at the earliest, preferably, within a period of ten weeks after the re-constitution of the Boundary Committee.

20. A copy of this order shall be sent forthwith to the Chief Secretary, GNCTD.

21. The next date of hearing, i.e., 13th September, 2024 stands cancelled.

22. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MAY 9, 2024/kr