

G.N. Khajuria and Others

Vs

D.D.A. and Others

I. A. No. 2 In Civil Appeal No. 7933 of 1995

(K. Ramaswamy, G. B. Pattanaik JJ)

18.03.1996

ORDER

1. Time for vacating the school and dismantling the same as per the judgment of this Court, as prayed for, is extended till 30-4-1996.
2. Though Shri D.S. Meshram, Chief Planner, Town and Country Planning Organisation, Government of India, Ministry of Urban Affairs and Employment has submitted the report dated 17-11-1995, unfortunately, he has not adverted to the impact of the order of this Court nor has he brought to bear up the subject in that perspective. He has conducted only superficial enquiry and stated only what is apparent and nothing more. He should have subjected the enquiry to in-depth scrutiny but failed to do that. His report is like that of a clerk putting up the note and nothing more. However, we have carefully gone through the record annexed to the report. From the record, it is clear that originally the area was earmarked for the park and there was no indication that it was intended to be allotted to any third agency in the land earmarked for the park. In fact, the Vice-Chairman also had pointed out time and again in that behalf. He had also issued notice to have the school vacated and the part preserved. Though notice pursuant thereto was given, no follow-up action was pursued. Resultantly, the residents had to take up the matter and ultimately succeeded in getting the order from this Court.
3. We tried to scan the person responsible for deviation and illegal allotment but it is difficult in the circumstances to pin point the actual person responsible in that behalf. He had skilfully managed and had camouflaged to have the authority after getting the plan approved introducing the allotment of the site to the school. Since the plan was approved ultimately by the Lt. Governor, it went under the carpet of official action. He has escaped from the clutches of law. Therefore, nothing can be done in the circumstances. Report is accordingly closed.