

CENTRAL VISTA PROJECT ESSENTIAL, OF PUBLIC IMPORTANCE: DELHI HC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Clearance given: Work in progress at the site of the Central Vista project in New Delhi on Monday. Shiv Kumar Pushpakar Shiv Kumar Pushpakar

The Delhi High Court on Monday dismissed a petition seeking to halt the construction activities at the Central Vista Avenue Redevelopment Project in view of the recent surge in COVID-19 cases in the country.

A Bench of Chief Justice D.N. Patel and Justice Jyoti Singh remarked that there was no reason for the court to suspend the construction activities as the workers were staying at the project site, and "COVID-19 protocols are adhered to and COVID-19 appropriate behaviour is being followed".

"We are of the view that this is a motivated petition preferred by the petitioners and not a genuine public interest litigation [petition]," the court said while imposing a cost of Rs. 1 lakh on petitioners Anya Malhotra, who works as a translator; and Sohail Hashmi, a historian and documentary filmmaker.

'Not an essential activity'

The petitioners had argued that the project was not an essential activity and hence, it could be put on hold for now during the pandemic.

The court noted that the work at the Central Vista Avenue Redevelopment was part of the Central Vista Project and of vital public importance and the legality of the project had been upheld by Supreme Court.

"By no stretch of imagination, it can be said that Central Vista Project or Central Vista Avenue Redevelopment Project is not an essential project," the court said, adding, "If this type of project is stopped by the court, the main project cannot be completed within the stipulated time." It noted that the work at the Central Vista Avenue Redevelopment Project had to be completed by November 2021.

While the petitioners argued that the time limit be extended, the court said, "Such kind of arguments cannot be accepted by this court, keeping in view that the construction activity of this essential project or of a project of national importance cannot be stopped especially when the conditions imposed by the order of the DDMA dated 19th April, 2021...are not flouted or violated."

The HC remarked that several other agencies were undertaking construction projects in Delhi. "It is obvious that petitioners have selectively chosen only one project which is of national importance, at a vital place where Republic Day celebrations are held in Delhi and is a part and parcel of the larger project, namely, Central Vista Project," it stated.

'Very selective'

Solicitor-General Tushar Mehta had argued that the PIL raised in the case was “very selective”.

Senior advocate Sidharth Luthra, for the petitioners, stated that his clients were only delivering a message of health and safety for the people of Delhi and if the government could not see it, then it was a “sorry reflection” of its concern for the lives of the citizens.

Mr. Luthra had referred to the ongoing project work as not Central Vista, rather “central fortress of death”, comparing it to “Auschwitz”.

Mr. Mehta had expressed displeasure with the comparison, saying one could criticise and be venomous about it, but such terms should not be used in court.

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