

Two-year anniversary gathering reflects on Rimba Kiara battle

By FARID WAHAB

faridwahab@thestar.com.my

FOR residents around Taman Awam Bukit Kiara, formerly known as Taman Rimba Kiara, April 18, 2023, is a date etched in their memory.

It was the day Malaysia's highest court reaffirmed a ruling that nullified a contentious development order (DO), marking an end to a seven-year legal struggle to protect their green space.

The Federal Court had upheld a decision by the Court of Appeal that the DO issued for a high-rise project at the site was invalid.

At a recent gathering in Taman Tun Dr Ismail as a run-up to the anniversary, those who had fought against the proposed high-rise project reflected on the battle that had pitted them against

Long fight to save park pays off

Apex court quashes DO for Taman Rimba Kiara

By FARID WAHAB
faridwahab@thestar.com.my

PUTRAJAYA: A seven-year legal battle to save Taman Awam Bukit Kiara – formerly known as Taman Rimba Kiara – is finally over.

The Federal Court has upheld the Court of Appeal's decision to quash the development order (DO) for a high-rise project in the public park in Taman Tun Dr Ismail (TTDI), Kuala Lumpur.

In a unanimous decision, a three-member panel led by Justice Nallin Pathmanathan concluded that the DO contravened the existing laws in the Federal Territories. The other two judges were Chief Justice of Malaya Justice Mohamad Zaidin Mohd Diah and Justice Rhodzariah Bujang.

The Federal Court decision asked tenants' par-



Green lung: Taman Rimba Kiara has been the subject of a years-long battle between the TTDI residents association and Kuala Lumpur authorities. — FARIHAN GHANI/The Star

apartments, one 29-storey low-cost flats and a parking complex. The low-cost scheme was to relocate and house the settlers of the nearby immigrants, whose com-

retain, a green and open space. "It seems that the demarcation was changed without a corresponding rectification in the structure plan," she added.

Taman Rimba Kiara chronology of events

2016: June: Residents learn of a planned development in Taman Rimba Kiara, which include eight blocks of serviced apartments and one block of low-cost flats. A petition with over 5,000 signatures is submitted to DBKL, opposing the project.

August: DBKL holds a meeting to hear objections from stakeholders and discuss the issue.

2017: August: Then-Federal Territories (FT) Minister Datuk Seri Tengku Adnan Tengku Mansor tells parliament that a development order (DO) has been issued for the project. Residents file a judicial review against DBKL and mayor at the High Court. Leave is granted for the judicial review.

December: Hearing at the High Court begins.

2018: January: The High Court dismisses the application for a judicial review into the DO.

2019: July: DBKL resumes the Kiara Taman Awar project.

2020: January: The Court nullifies the DO for the Rimba Kiara project.

2021: January: The Court nullifies the DO for the Rimba Kiara project.

2022: January: The Court nullifies the DO for the Rimba Kiara project.

2023: January: The Court nullifies the DO for the Rimba Kiara project.

The Star report on April 19, 2023, about the apex court's verdict.

Yayasan Wilayah Persekutuan (YWP) and Kuala Lumpur City Hall (DBKL) – both institutions under the then Federal Territories ministry.

Segambut MP Hannah Yeoh, who is also Youth and Sports Minister, recalled the emotional rollercoaster when the High

Court in 2018 dismissed their application for a judicial review into the DO.

"I was trained as a lawyer and always believed in the justice system, but the ruling left me disheartened," she said.

The High Court had ruled there were no illegal elements in the

DO approval process and therefore refused to cancel it.

Still, the residents pressed on, taking the case to the Court of Appeal.

In 2021, the appellate court overturned the DO – a moment Yeoh described as both nerve-racking and deeply moving.

"We were all on edge, waiting for the ruling," she said.

"The court session was held virtually as it was during the movement control period, due to the Covid-19 pandemic.

"When the decision came through, we broke down in tears," she recalled.

The legal battle, however, was not over as YWP and DBKL appealed to the Federal Court, seeking to reinstate the project.

On April 18, 2023, a three-member panel – led by Federal Court judge Justice Datuk Nallini

Pathmanathan, alongside Chief Judge of Malaya Justice Datuk Mohamad Zabidin Mohd Diah and Justice Datuk Rhodzariah Bujang – unanimously upheld the appellate court's decision and delivered a final victory to residents.

Khairudin Rahim, media coordinator of Save Taman Rimba Kiara Working Group, thanked the media for their extensive coverage of the issue.

"We had a right to know why this development was approved and whether the authorities' actions were legal," he said.

The Bukit Kiara story, stressed Khairudin, was testament to the power and determination of ordinary citizens.

"It was about people standing up to protect public land from being taken away by those in power," he said.