

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

+ **W.P. (C.) No.2930/2007**

% **Date of Decision: 16.09.2009**

Resident Welfare Association & Anr. Petitioners

Through Mr.Pratap Sahani, Advocate.

Versus

Delhi Development Authority & Ors. Respondents

Through Mr.Kapil Dutta, Advocate for the
respondent No.2.
Mr.Amjet Andlay, Advocate for the
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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This is a petition by the Resident Welfare Association seeking direction to the respondents, Delhi Development Authority, Municipal Corporation of Delhi and Commissioner of Police to remove the encroachment and dispossess the encroachers from the M.M Road and keep the public road for the use of passerby as notified by respondent Nos.1 & 2.

The notices were issued to the respondents and pursuant thereto a short affidavit was filed on behalf of Deputy Commissioner of Police,

Central District contending inter-alia that pursuant to the order dated 24th April, 2007 passed by this Court directing the respondents to meet the residents and other office bearers of the petitioner association a meeting was held and in the meeting it was decided that a joint action team will carry out encroachment removal programme on 15th May, 2007 from the Motia Khan M.M.Road and it shall be made congestion and encroachment free.

The affidavit dated 25th July, 2007 of Sh.Alok Kumar, Deputy Commissioner of Police, Central District, Delhi was filed, thereafter, contending that pursuant to the directions of this Court an encroachment removal and demolition programme was carried out on 14th June, 2007 by a joint action team at service road from the western side of DDA flats Motia Khan upto D.B.G.Road and in the process encroachments by 40 small huts (jhuggis) were removed and the service road had been made clear upto the backside of Hotel King Castle. An action report dated 20th September, 2007 had also been filed on behalf of Municipal Corporation of Delhi stating inter-alia that pursuant to the encroachment removal action, all the pucca as well as temporary encroachments from the area in dispute have been removed except two workshops. It was further stipulated that the two workshops will also be removed if found unauthorized after ascertaining the title of the lands of these two properties by works department.

Pursuant to the encroachment removal programme undertaken by the respondents another affidavit dated 2nd February, 2008 of

Sh.R.K.Pandey, Deputy Commissioner of Police was filed stipulating that the meeting with the office bearers of Motia Khan Residents Welfare Association was held and they were apprised of the action taken by Delhi Traffic Police. The officials of the resident welfare association were satisfied with the action taken by the traffic police for removal of congestion from the said area. The Municipal Corporation of Delhi also filed another status report dated 14th August, 2008 indicating that inspection of property No.66, Motia Khan was conducted and the said property was occupied by Sh.Mohan Lal who was stated to be in possession since 1978. After further enquiry the respondents have removed the property of Sh.Mohan Lal which was an encroachment. The fact regarding the action taken against the property No.66 was detailed in the status report of May, 2008.

In view of the various status reports and the photographs filed, it is apparent that the encroachment of M.M.Road has already been removed by the respondents.

The learned counsel for the petitioner has, however, drawn the attention of this Court to a photograph of the backside of the property allegedly bearing No.66A and has contended that the property is unauthorized and is an encroachment upon the said road. The learned counsel for respondent No.2 Municipal Corporation of Delhi on instructions, however, contends that the property has been constructed pursuant to the sanction granted by Delhi Development Authority.

In the facts and circumstances, no further orders are required and the writ petition is disposed of in terms of the action already taken by the respondents. Parties are left to bear their own cost.

September 16, 2009

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ANIL KUMAR, J.