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

+ W.P.(C) 2201/2016 & CM Appls. 9468-9469/2016

ABIDA AHMED AND ANR Petitioners

Through: Mr. Raj Kishor Choudhary with Mr.
Mazyar Ahmad and Mr. Aslam, Advs.

versus

THE STATION HOUSE OFFICER AND ORS Respondents

Through: Ms. Kiran Singh with Mr. Amit Nagar,
Advs.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **15.03.2016**

The present writ petition has been filed seeking a direction to respondent Nos.1 and 2 not to demolish the fence/boundary wall raised by the petitioners around the agricultural land bearing Khasra No.940/534 Min.(2-15) Rakba 2 Bigha 15 Biswa situated in the village Madanpur Khadar, Tehsil Kalkaji, New Delhi.

It has been averred that the petitioners constructed the boundary wall upto 4 ft. around the aforesaid agricultural land in order to protect the agricultural produce from being damaged by domestic animals and children in the neighborhood.

It has further been averred that the petitioners had sought permission from the Sub-Divisional Magistrate ('SDM') for raising the fence/boundary wall upto 4 ft. around the agricultural land and the

same was granted vide order dated 26th October, 2015.

Learned counsel for the petitioners states that after the said wall had been constructed within the two months time granted by the SDM, respondent No.4-District Collector vide order dated 26th February, 2016 held that the boundary wall permission was not desirable as the petitioners' land is in an ecologically very sensitive zone. It was also directed that for the protection of land, green fencing like hedge or shrubs or wire fencing can be done. The District Collector, therefore set aside the order passed by the SDM on 26th October, 2015.

Learned counsel for the petitioners states that respondent Nos.1 and 2 are threatening the petitioners to demolish the boundary wall raised around the agricultural land.

Upon a perusal of the paper book, this Court finds that a coordinate Bench of this Court in W.P.(C) 875/2012 (***Babita Aggarwal and Anr. Vs. Govt. of NCT of Delhi and Anr.***) declined permission to similar farmers to raise a concrete wall. The petitioners in the said case were given liberty of erecting iron fences around their land.

This Court is also of the opinion that as the area in question falls in 'O' zone and comprises river Yamuna/water front, no construction of permanent nature can be permitted.

The apprehension of respondent No.4 that in the guise of construction of the boundary wall, petitioners may indulge in unauthorized construction, is not entirely misplaced.

This Court takes judicial notice of rampant unauthorized construction in the area where petitioners' land is situated.

It is pertinent to mention that with regard to unauthorized construction in this area, this Court had directed the statutory authorities to take very stringent action.

Keeping in view the aforesaid, the present writ petition and applications, being bereft of merits, are dismissed.

MANMOHAN, J

MARCH 15, 2016
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