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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2473/2016**
DHARMENDER DHANWAL & ANR Petitioners
Through **Mr. Lalit Kumar and Mr. Aditya**
Kumar, Advs.

versus
DELHI DEVELOPMENT AUTHORITY & ANR Respondents
Through: **Mr. Dhanesh Relan, Ms. Isha Garg**
and Ms. Akshita Manocha, Advs. for
R-1.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **04.04.2016**

By this writ petition, petitioners have prayed that respondent no.1 be directed to remove unauthorised/illegal construction/encroachment on the public land by the occupants of Delhi University Non Academic CGHS Ltd. (known as Priyadarshini Apartments) at A-4, Paschim Vihar, New Delhi. Petitioners are owners of flat no. 100 in the said apartments, which is at the first floor flat. During the course of hearing it emerges from the records that petitioners had themselves made unauthorised construction in their flat. They had unauthorisedly constructed two full-fledged floors (see order dated 19th November, 2014 passed in Cont. Cas(C) 712/2014 titled Karuna Gupta vs. Balvinder Kumar, Vice Chairman, DDA & Ors). It appears that Ms. Karuna Gupta had filed W.P. (C) 2247/2014 alleging therein that

unauthorised construction had been raised by the respondent no. 5. While disposing of the said writ petition, vide order dated 4th April, 2014, it was ordered that Delhi Development Authority (DDA) shall examine the complaint of the petitioner and if it is satisfied that there exists illegal/unauthorised construction in the subject flat owned by the respondent no. 5, then appropriate action for removal of the unauthorised construction shall be taken after issuance of notice to the respondent no.5, in accordance with law.

Since action was not taken by the DDA, therefore, contempt case bearing no. 712/2014 was filed wherein DDA was directed to complete the demolition action in respect of the petitioners' flat. In the said contempt petition petitioners sought their impleadment which was declined. In LPA 7/2015 petitioners had also claimed protection under The National Capital Territory of Delhi Laws (special provisions) Amendment Bill 2014 but the said plea was not accepted. Matter was then taken to the Supreme Court but without any success.

The conduct of the petitioners is not above the board, inasmuch as they have themselves violated the law. Present writ petition appears to be motivated one. In LPA 7/2015 statement of the counsel for the DDA has

been noted that demolition action with respect to all the properties is being taken in a phased manner. Learned counsel for the respondent no.1-DDA submits that action is still being taken in a phased manner. Accordingly, this writ petition is not entertained.

However, respondent no.1-DDA is expected to continue its drive against the unauthorised construction in the apartments, initiated by it.

Writ petition is disposed of. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

APRIL 04, 2016

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