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

+ **W.P.(C) 6500/2016**

AMIT KUMAR Petitioner

Through: Ms.Jyoti Kumari, Adv.

Versus

SOUTH DELHI M.C.D. Respondent

Through: Mr.Mukesh Gupta, Standing Counsel for
SDMC.

+ **W.P.(C) 6535/2016**

GUDDU KHAN Petitioner

Through: Ms.Jyoti Kumari, Adv.

Versus

SOUTH DELHI M.C.D. Respondent

Through: Mr.Mukesh Gupta, Standing Counsel for
SDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

17.10.2016

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1. Both these petitions have been filed by way of Public Interest Litigation complaining about the alleged unauthorized and illegal constructions in Mehrauli, New Delhi.

2. Having taken note of the fact that both the writ petitions are filed through the same counsel and the averments as well as the grounds raised in the writ petitions are also same and even the complaints stated to have been made by the petitioners to the South Delhi Municipal Corporation are in the same

proforma and in fact the contents of both complaints are verbatim same, by order dated 08.08.2016 we issued the following directions:

- "(i) the petitioners shall file additional affidavits within one week from today furnishing the proof of their residence and the reasons to believe that the constructions in question are unauthorized constructions;
- (ii) the respondent No.1/SDMC shall make the necessary inquiry as to whether the plea of the petitioners that they are residents of the locality is correct and the address furnished by them is genuine;
- (iii) enquiry shall also be made by SDMC as to whether the allegations of unauthorized construction being made in House No.882/A-2, Ward No.6, New Shiv Sishu Mandir School, Mehrauli and House No.880A, Ward No.6, Opposite Saraswati Bal Mandir School, Mehrauli, New Delhi are true; and
- (iv) the Commissioner, SDMC shall file an affidavit within one week from today furnishing the above details and also explaining as to why SDMC failed to respond to the complaints made by the petitioners dated 20.05.2016 and 20.06.2016."

3. In compliance with the said order, the South Delhi Municipal Corporation filed the affidavit dated 17.08.2016 stating that on inquiry it is found that the petitioner in W.P.(C) No.6500/2016 is residing in Mehrauli however, the address given by the petitioner in W.P.(C) No.6535/2016 is incorrect and no such address is available. So far as the allegation of unauthorized constructions in the two houses specified in the petitions is concerned, it is stated that both the said properties are booked for unauthorized construction and steps have been initiated for demolition following due process of law. That apart, letters were also addressed to the Sub-Registrar, Mehrauli and BSES Rajdhani Private Limited as well as Delhi Jal Board not to effect any

registrations in respect of the said properties and to disconnect electricity and water.

4. The petitioner in W.P.(C) No.6535/2016 filed an affidavit dated 01.08.2016 reiterating that he is a permanent resident of Mehrauli, however, due to typing mistake his address was wrongly mentioned in the writ petition as House No.1061, Ward No.3 instead of House No.1061, Ward No.6.

5. We have heard the learned counsel for both the parties. For the reasons stated in our earlier order dated 08.08.2016, though this Court is not fully satisfied with the bona fides of the writ petitioners in approaching this Court by way of Public Interest Litigation, having regard to the fact that the constructions in question are found to be unauthorized and it is stated by the Corporation that steps are already in progress for demolition of the unauthorized constructions, we do not wish to direct further enquiry as to whether the petitions are motivated or are intended in genuine public interest.

6. Both the writ petitions are accordingly disposed of leaving it open to the respondents to proceed further in accordance with law in respect of the unauthorized constructions made over the properties in question. The original file produced by the Standing Counsel for the SDMC be returned.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

OCTOBER 17, 2016

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