

\$~9

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

+ W.P.(C) 9601/2015

RAKESH PAL

..... Petitioner

Through: Mr. Umesh Sharma, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND

ANR

..... Respondents

Through: Mr. Mini Pushkarna, Standing
Counsel with Ms. Yoothica Pallavi,
Adv. for R-1 along with Mr. Praveen
Kumar, Dy. Director, Veterinary,
NrDMC.

Mr. Satyakam, ASC with Mr. Vinay
Singh Tomar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

27.04.2016

By this writ petition, petitioner has prayed that respondent nos. 1 and 2 be directed to remove encroachment from the Govt. land and possession thereof be taken. Petitioner has alleged that encroachers have raised illegal construction on the municipal land. Respondent nos. 1 and 2 are duty bound to take action against the encroachment.

Respondent no. 1 has filed two status reports. In the first status report dated 16th November, 2015, it is stated that Dairy Colony, Village Jharoda near Village Burari was developed by the Municipal Corporation for the

purposes of shifting persons running dairies in the residential areas. Many persons were allotted lands in the area earlier earmarked for other facilities like bank, post office etc. The department has taken up the matter with the Town Planning Department for necessary amendment in the regularisation plan of the area. Vide office order dated 20th April, 2000 issued by the Additional Commissioner (Head Quarter) it was directed that all unauthorised occupants in Jharoda and Bhalswa Dairy Colonies of Civil Lines Zone as well as other dairy colonies may be regularised as per the policy of the department circulated vide letter dated 12th January, 2000 after realisation of license fees at double rates and also Milch Tax w.e.f. 1976. Accordingly, many persons running dairies unauthorisedly in the colony and occupying lands since as far back as 1976 were given opportunity to get their unauthorised occupation regularised. Inspection of the area was done when it was revealed that in Block F there were 12 plots where dairies were running in accordance with allotment, having been done by the department. In Block M, 12 plots were there which had been allotted. Further, four plots were encroached. Vide order dated 14th October, 2015 Deputy Commissioner of Police, North District, Civil Lines, New Delhi was requested to provide police force on 20th October, 2015, for encroachment

removal action. Police force was not provided, thus, removal action could not be done. Further action was scheduled for 5th November, 2015.

In the second status report dated 30th January, 2016, it is stated that even on 5th November, 2015 police force was not provided. Accordingly, action was rescheduled for 28th January, 2016 on which date encroachment was removed in the presence of police force. Temporary encroachment on plot nos. M-6, 7, 8 and M-12, Jharoda Dairy Colony has been removed. Vide letter dated 30th January, 2016, SHO P.S. Burari was informed about the removal of temporary encroachment from the plots in question and SHO was requested to keep a watch on the said plots so that no further encroachment takes place.

Since the action has already been taken by the respondent no.1, no further directions are required to be passed in the matter. Writ petition is disposed of accordingly.

A.K. PATHAK, J.

APRIL 27, 2016

ga