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

+ W.P.(C) 12291/2015

SHRI DANISH MAHFOOZ Petitioner

Through: None

versus

THE STATE, GOVT. OF NCT OF DELHI & ORS Respondents

Through: Mr. Sanjeev Sabharwal, Standing
Counsel for DDA & SDMC.
Mr. Santosh Kumar Tripathi, ASC for
GNCTD.
Mr. Uday Kumar, Adv. for R-9.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **18.07.2016**

1. The present petition has been filed as a Public Interest Litigation seeking a direction to the Respondents 1 to 8 to initiate legal action against the Respondent No.9 and to restrain him from carrying out unauthorized construction at property bearing No. T-63-B, Khirki Extension, Malviya Nagar, New Delhi. The petitioner also seeks a further direction to demolish the alleged unlawful existing structure over the said property and to remove the other encroachments over the Government lands.

2. It is the case of the Petitioner that he made a complaint dated 01.09.2014 to Respondent No.1 to 8 with regard to the unauthorized constructions carried out by the Respondent No.9 on various Government properties but no action has been taken on the complaint till date.

3. In the status report filed on behalf of the Respondent No.3/Delhi Development Authority, it is stated that the land in question does not fall in the development area under the provisions of the Delhi Development Act, 1957 and, therefore, no action can be taken at their end, but it is for the South Delhi Municipal Corporation to take the necessary action.

4. The Respondent No.8 / SHO, Malviya Nagar also filed a status report stating that it has already been informed to the Municipal Corporation that the necessary police assistance would be extended whenever it is necessary.

5. Though no notice was issued, the Respondent No.9 entered appearance and all the allegations of encroachment and unauthorized construction made in the petition have been denied.

6. In identical circumstances, by order dated 08.07.2016 in W.P.(C) No.921/2016 titled ***Amarjeet Singh v. South Delhi Municipal Corporation & Ors.***, we have directed the SDMC to ensure that no unauthorized constructions will be raised within their area of jurisdiction. We, therefore, consider it appropriate to dispose of this petition with a direction to the Respondents No.4 to 6 and 8 to consider the contents of this writ petition treating the same as a representation and take appropriate action in accordance with law in case the allegations are found to be true. The action taken shall be informed to the Petitioner within four weeks from the date of receipt of the order.

7. The writ petition is disposed of accordingly.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JULY 18, 2016

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