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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2002/2013

MUNNI DEVI

..... Petitioner

Through Ms.Saakshi Aggarwal and Mr.Saquib
Qureshi, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through Mr.Anuj Aggarwal, ASC, along with
Ms.Deboshree Mukherjee, Advocate
for GNCTD/R-1.
Mr.G.D.Mishra, Standing Counsel for
EDMC/R-2.
Mr.Parvinder Chauhan, Standing
Counsel for DUSIB/R-6.
Mr.Uday Chauhan, Advocate for
R-3/SHO.
Mr.Aditya Gupta, Advocate for R-
4/BSES.
Mr.Shushant Mukund, Advocate for
R-5.
Mr.Arjun Pant, Advocate for DDA.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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02.02.2017

Petitioner Munni Devi is a resident of D-370, New Sanjay Amar colony, Vishwas Nagar, Shahdara, Delhi. She is aggrieved by the inaction on the part of the statutory body i.e. respondent no.2/EDMC. Submission is that in January, 2013 certain known

persons started demolition on the footpath in the public land on the common boundary wall abutting the premises of the petitioner. The police was informed. This illegal and unauthorized construction was being carried out by respondent no.5 namely Neeraj. A front wall facing the road along the entrance door was illegally constructed followed by two more walls which were also erected; four sides structure was thus raised by respondent no.5. In spite of written complaints having been addressed to the police time and again her grievance were not addressed.

The stand of the respondents has been noted.

The stand of the respondent no.2/EDMC was to the effect that the property in dispute is owned by the respondent no.8/Public Works Department (PWD) and respondent no.2/EDMC has no role to pay in the matter.

Respondent no.3, the local SHO through his status report has informed the Court that a complaint vide DD no.27B dated 02.3.2013 regarding the illegal construction has been lodged in the police station and they will abide by all or any directions passed by this Court. The stand of respondent no.8/PWD is relevant and the same has been highlighted. It is pointed out that this site was inspected and it was found that there was an encroachment in the PWD land i.e. on the footpath upon which an illegal construction has been noted; a structure with a roof had been constructed there. Respondent no.8 was not clear as to when this illegal structure was raised as there was no record available in the office but they would undertake to abide by any directions passed by this Court.

The private respondent i.e. respondent no.5 is also represented. His stand is that the petitioner herself is guilty of having raised an unauthorized construction and the property where she is residing is an illegal construction. In fact the entire JJ Cluster known as New Sanjay Amar Colony, Vishwas Nagar, Shahdara, Delhi is an unauthorized construction existing there since last 30 years. Since the petitioner herself is guilty of having raised an illegal construction, she cannot ask for a relief qua the same issued against answering respondents. The property number is also in dispute and cannot be the subject matter of this petition.

Noting these averments and the stand adopted by the respective parties and after hearing learned counsels for the parties, this Court is of the view that the PWD/respondent no.8 on inspection having noted that the construction raised (purportedly raised at the site by respondent no.5) is an illegal and unauthorized; being on the footpath of the road, respondent no.8/PWD will take all actions in accordance with law for removing this illegal and unauthorized construction.

Needless to state that if the property of the petitioner is also found illegally/unauthorizedly constructed a similar action be taken by respondent no.8/PWD against the property of the petitioner as well.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

FEBRUARY 02, 2017/ndn