

\$~1

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 8702/2011 & C.M. No.19443/2012

RAJA RAM

..... Petitioner

Through Mr. Shiv Charan Garg and Mr. Imran
Khan, Advocates

versus

MCD AND ANR

..... Respondent

Through Ms. Mansi Gupta, Advocate for North
DMC
Mr. Sachin Nahar, Advocate for
GNCTD and Delhi Police with Mr.
Manish Shukla (OSD) to Sec (home)
GNCTD
Mr. Nanak Chand, Deputy Director,
Horticulture, Rohini Zone, Mr.
Brijbeer Singh, Assistant Director,
Horticulture, Rohini Zone.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

25.01.2017

The status report of respondent no. 1 is taken on record. This status report has been filed on the affidavit of the Deputy Director, Horticulture, Rohini Zone. In this affidavit it is stated that a survey of 94 sites identified by the petitioner had been carried out and this survey has revealed that out of 94 parks, only 73 are designated as “parks” in the lay out plan of Sultanpuri which are not parks has been answered. Out of the 73 parks, 12 parks are already within the

category of “developed parks”. Qua the remaining 61 undeveloped parks, the Commissioner, North Delhi Municipal Corporation vide his note dated 11.01.2017 had allowed a budget of Rs. 15,00,000/- for the development of 15 parks. This development will be completed within next three months. This statement of respondent no. 1 which is on affidavit is taken on record. Qua the encroachment in the shape of religious structures existing in the parks in question, the stand of respondent no. 1/ North Delhi Municipal Corporation is that a proposal of 9 such cases were sent to the Religious Committee for approval. An approval (dated 14.07.2016) for removal of unauthorized religious structures in 8 parks had been accorded. Approval has not been accorded in respect of one park at E-3/301, Sultanpuri, Delhi. Further submission in this affidavit is that the demolition program had in fact been fixed for 04.08.2016 but action could not be taken in the absence of Police Force. Fresh demolition program was fixed for 19.01.2017; the same position had emerged ie an inaction on the part of Delhi Police; the demolition programs thus could not be completed.

Learned counsel for respondent no. 1 under instructions submits that the Delhi Police has showed its inability to help respondent no.1 in the month of January because of administrative exigencies. The demolition action in coordination with Delhi Police (respondent no.3) now fixed for demolition program for 15.02.2017. It is hoped and expected that this demolition of the 8 unauthorized religious structures in the afore noted 8 parks shall be completed on that date. Since respondent no.3 is also present, his undertaking that

police force shall be granted to respondent no.1 to carry out this demolition program is also noted. These commitments of respondent no.1 and respondent no.3 shall be honoured in true letter and spirit.

Further submission of respondent no.1 in the affidavit that the temporary encroachments like parking of vehicles in some parks have taken place and timely action for removal of these vehicles from the park premises have been taken in the recent past; the Horticulture Department have been maintaining the parks in neat and clean condition for day to day use of the general public. This statement of respondent no. 1 is also taken on record.

At this stage, counsel for the petitioner points out that he also has a grievance qua the fact that although a proposal has been put up before the Religious Committee for 28 parks yet approval for demolition has been accorded only qua unauthorized / illegal structures in 8 parks. His submission is that the Religious Committee should also reconsider the approval for demolition of unauthorized structures in the remaining parks.

Qua this issue, learned counsel for respondent no.3 / Government of NCT of Delhi submits that the affidavit of the Government dated 02.09.2016 is self explanatory on this count; this affidavit has been perused. In this affidavit the stand of respondent no.3 is that a meeting of the Religious Committee has been convened on 15.07.2016 under the Chairmanship of Principal Secretary, Home to consider the issue regarding removal of unauthorized encroachment on religious structures at different parks of ward no. 39 in Sultanpuri, Rohini Zone. The Religious Committee had recommended the

approval of 9 religious structures; later on one religious structure had been excluded. Thereafter a subsequent meeting of the Religious Committee was convened on 18.04.2016. The matter was reconsidered by Religious Committee on the inputs provided by the North Delhi Municipal Corporation as also the Delhi Police along with the assessment report from the DCP, Special Branch. Removal of 8 unauthorized religious structures had been accorded which is also the stand adopted by respondent no. 1 and for which this Court notes that a demolition program has now been fixed for 15.02.2017. The details of these religious structures had been detailed in the affidavit filed by respondent no. 3.

Qua the remaining unauthorized / illegal structures (which now remains in the other 20 parks), the Department is again directed to get a meeting of the Religious Committee convened under the Chairmanship of Principal Secretary, Home who shall reconsider the removal of these unauthorized encroachments / religious structures in the remaining parks. This meeting be convened within an outer limit of four weeks and action taken / recommendation of the Religious Committee shall be conveyed to the petitioner. The action taken report which is proposed for 15.02.2017 shall also be conveyed to the petitioner.

No further orders are called for in this petition. It is disposed of.

INDERMEET KAUR, J

JANUARY 25, 2017

gb