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

+ **W.P.(C) 7470/2018 & CM APPLs. 28583/2018 & 31067/2018**

MAHESH RANA Petitioner

Through: Ms. Tatini Basu, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
with Mr. Sanjay Baniwal, Adv. for SDMC.

Mr. Rishikesh Kumar, ASC with Mr. Premasagar
Pal, Advs. for R-3 & 4.

Mr. Anurag Ahluwalia, CGSC with Mr. Abhigyan
Siddhant, Mr. Sanket Khanna & Mr. Kartikeya
Rastogi, Advs. for UOI.

Mr. Anil Hooda with Mr. Ajay Sharma, Advs. for
respondent.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **14.11.2018**

1. This Public Interest Litigation has been filed with the following
prayer:

*“(a) Issue a writ, order or direction especially in the nature of
Mandamus directing Respondent Nos. 1 to 6 to act on the
complaint/s of the petitioner, thus restrain Respondent Nos. 7 to
9 from carrying out any further illegal construction, excavation
and demolition on their plot of land / property bearing Property
No. 296, Village Masjid Moth, New Delhi; and*

*(b) pass such other and further orders as this Hon’ble Court
deems fit and proper in the facts and circumstances of this
case.”*

2. On notice being issued, status report has been filed by the SDMC and on a perusal of the same it is seen that the authorities of the SDMC inspected the property on 03.08.2018, went through the record and found that the property in question belongs to certain private individuals. The owner and builder had obtained online sanction of building plan vide File No.10048034 on 27.04.2018. Construction as per sanction letter 'Annexure A' has been made and construction activities are going on.
3. The petitioner except for contending that there is an ancient temple on the land which has been demolished, no notification or statutory provision or document is brought on record based on which it can be said that the so called temple is statutorily declared as an ancient monument or a heritage one which could not be dismantled or demolished. From the photographs available, it is seen that it is a small temple constructed on a private land and it seems that the owners of the land have demolished it.
4. Taking note of all these circumstances in the absence of there being any material available on record to show that the temple was an ancient monument or a duly notified ancient temple in accordance with any statutory requirement, indulgence into the matter on the basis of the material available on record is not called for.
5. The writ petition is dismissed. The pending applications also stand disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 14, 2018/kks