

\$~71

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

+ W.P.(C) 10724/2018

RAM KISHORE ROAD, SHANKARCHARYA MARG
AND RAM CHANDER LANE, RESIDENTS WELFARE
ASSOCIATION (REGD.) THROUGH ITS AUTHORIZED
REPRESENTATIVE Petitioner

Through: Mr Ankit Gupta, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Mr Anupam Srivastava, ASC for
GNCTD with Ms Shreya Mehta,
Advocates for R-1 to R-4.

Mr Akhil Mittal, ASC for
R/5/NMCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

08.10.2018

CM No.41778/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 10724/2018

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) issue a writ, order or direction in the nature of Mandamus or any other appropriate writ, order or direction to demolish the wall raised by the respondent no. 3 and also remove all the encroachment from the Shankracharya Marg, Civil Lines, Delhi-110054.

3. It is the petitioner's case that respondent no.3 (Sushrut Trauma

Centre) has encroached upon the public land by construction of the wall in question. The learned counsel appearing for respondent nos.1 to 4 states that there is no encroachment and the wall has been constructed to protect the land belonging to respondent no.3.

4. This Court is not inclined to decide this controversy in these proceedings. The petitioner is at liberty to approach the concerned Revenue Authority for determination if there is any encroachment on a public path. Needless to state that if the petitioner so approaches, the concerned Authority shall examine whether there is any encroachment by respondent no.3 and take appropriate steps.

5. The learned counsel appearing for the petitioner also states that taking a cue from respondent no. 3, other persons are also encroaching on public land. Respondent no.5 is directed to examine the same and, if there are any encroachments, to take necessary action in accordance with law.

6. The petition is disposed of with the aforesaid observations.

7. Order *dasti*.

VIBHU BAKHRU, J

OCTOBER 08, 2018

MK