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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7955/2015**

SAVYASACHI K. SAHAI

..... Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vikram Jetly, CGSC for
 UOI/R1 to R4
 Mr. Parvinder Chauhan, Standing
 Counsel for DUSIB
 Mr. Shyed Hasan Isfahani, for
 applicant in (CM Nos.18595-
 96/2017)
 Mr. Ajjay Aroraa, Adv. and
 Mr. Kapil Dutta, Adv. for SDMC
 Mr. Sanjeev Ralli, Adv. with
 Ms. Nitika Khanna, Adv. for DPCC
 Mr. Sanjeev Sabharwal, Standing
 Counsel for DDA with
 Mr. Hem Kumar, Adv. for DDA
 Mr. R.N. Vats. Standing Counsel for
 NDMC with
 Mr. G.S. Sistani (ASC) for NDMC
 Mr. Satyakam, Adv. for GNCTD
 SI Narasi Prasad Meena,
 PS Hazrat Nizamuddin
 Mr. Wajeeh Shafiq, Standing Counsel
 for Delhi Waqf Board

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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25.09.2018

1. The present petition has been filed by the petitioner with the following prayers:

“In view of the aforementioned facts and circumstances, it is most humbly prayed that this Hon’ble Court may be pleased to:

- (a) issue a writ or any other similar order / direction in nature of writ of Mandamus directing the respondents no.2 to 4 to take appropriate steps / actions against the illegal encroachment and unauthorised construction over the said Amir Khusrao Park.*
- (b) issue a writ or any other similar order / direction in nature of writ of Mandamus directing the respondents No.2 to 4 to take appropriate steps/actions to stop and remove illegal dumping of garbage inside the said Amir Khusrao Park and also to stop usage of the said Park for toilet purposes.*
- (c) issue a writ or any other similar order / direction in nature of writ of Mandamus directing the respondents No.5 & 6 to immediately stop such illegal encroachment inside the Amir Khusrao Park and provide necessary assistance to respondents No. 2 to 4 to remove such illegal encroachments and unauthorised construction from inside the public park;*
- (d) issue a writ or any other similar order / direction in nature of writ of Mandamus directing the respondent No.7 to take necessary steps to ensure cleanliness in and around the said Amir Khusrao Park.*
- (e) Pass any other order/s or further orders as may be deemed fit and proper in the facts and circumstances of the present case.”*

2. On October 19, 2015, this Court had directed as under:

“8. We therefore, issue the following directions:

i) The concerned Chief Engineer (or equivalent officer) of DDA in consultation with the concerned Police DCP of the area, shall fix an appropriate date for removing of all unauthorised encroachments and illegal constructions inside the Park. The needful will be done within three months from today.

ii) The Police will provide all necessary protection for carrying the task by respondent No.2/DDA.

iii) After necessary task is accomplished, respondent No.2/DDA shall carry out appropriate measures to ensure that the unauthorised construction and land grabbing in any form is not repeated again. If necessary, appropriate wall or fencing shall be constructed/installed to protect the land.

iv) There is a specific reference in the status report of the Police to a Rain Basera stated to have been constructed by Shakti Shalini NGO. The exact status of this Rain Basera is not stated in the status report, i.e. as to whether it is set up with the prior permission of the concerned authority or not. If the same has a valid subsisting permission from the concerned authority, then only it will not be subjected to any coercive step as envisaged in the order as above.”

3. We have been told that the unauthorised construction at the place in question has been demolished. If that be so, no further orders are required to be passed in the writ petition.

4. We also note that this Court on January 17, 2018 had *inter alia* directed in para 11 of order that the costs which have been undertaken by the

statutory and public authorities towards removal of the encroachments and rehabilitation of the encroachers, would require to be compensated by the Delhi Waqf Board, and for which purpose the enquiry was directed to be undertaken by Mr. Dinesh Kumar Sharma, Registrar General of this Court.

5. Suffice it to state, the matter was being listed before Mr. Dinesh Kumar Sharma, Registrar General on different dates. On September 17, 2018, it has been adjourned to October 08, 2018.

CM Nos. 18595-18596/2017, CM No.22675/2017 (for modification)
and CM No. 22676/2017 (for direction)

In view of our order above, that the demolition having been effected, no orders are required to be passed in the writ petition, these applications are closed. If a party has any issue / dispute / claim against any third party, the said party can workout its remedy in accordance with law.

The date of hearing before the learned Registrar General of 8th October, 2018 stands cancelled.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 25, 2018/aky