

\$~21

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

+ **W.P.(C) 11928/2018**

RAHUL JAIN

..... Petitioner

Through: Mr. Sparsh Goyal with Mr. C.P.
Sharma, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Ajjay Aroraa with Mr. Kapil
Dutta, Adv. for EDMC
Mr. Dhanesh Relan, Standing Counsel for DDA
Mr. Sanjoy Ghose, ASC with Mr. Gaganjyot
Singh, Adv. for GNCTD

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

30.11.2018

This petition in the form of a public interest litigation has been filed making a grievance with regard to existence of an illegal structure (religious structure) near the Traffic signal at Swami Dayanand Marg, Patparganj, Delhi. It is alleged that the said structure is established and maintained by respondent No.7 and the authorities are not taking any action for removal of the illegal structure from the public place.

On the last date of hearing, we had requested the counsel appearing for the Government of NCT of Delhi to inform us as to whether any committee is functioning under the guidance or the chairmanship of the Lt.

Governor of NCT of Delhi with regard to dealing with such unauthorised constructions or illegal structures at public places.

Today, Mr. Sanjoy Ghose, learned counsel representing Government of NCT of Delhi has produced before us a communication dated 29.11.2018, addressed to him by the Special Secretary (Home), which indicates that in pursuance to certain orders passed by Hon'ble Supreme Court on 29.09.2009 in SLP No.8519/2006 titled as *Union of India vs. State of Gujrat & Ors.*, the Lt. Governor of Delhi has constituted a committee for dealing with encroachments and removal of illegal constructions of religious nature in public places. The committee consists of Additional Commissioner of Police (Special Branch), Additional Commissioner of Police of the range concerned and representative of the concerned land owning agency. The committee is required to take action, as indicated in the aforesaid communication, however, the action can be initiated only after it is brought to the notice of the committee by the land owning agency with requisite supporting documents and other material. In the present case it is the EDMC/PWD which is the land owning agency and they are required to initiate action for placing the matter before the said committee.

Mr. Ajjay Aroraa, counsel representing respondent No.4 assures this Court that EDMC/PWD shall look into the matter and place the same before the committee, if permissible under the law. However, before doing so EDMC/PWD shall give an opportunity of hearing to respondent No.7, the owner of the structure in question and the petitioner are also granted liberty to bring the matter to the notice of the EDMC/PWD. Let EDMC/PWD take action in the matter as permissible within a period of two weeks from today.

With the aforesaid observations, the writ petition stands disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 30, 2018*/ns*