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

+ W.P.(C) 13549/2018

SURAJ BHAN CHAUHAN

..... Petitioner

Through: Mr Medhanshu Tripathi, Mr Ashiwan
Mishra, Mrs Garima Tripathi and Mr
Satish Rana, Advocates.

versus

THE LT. GOVERNOR, DELHI & ORS. Respondents

Through: Mr Ankit and Mr Chirag Madan,
Advocates for R-1.

Mr Ajay Arora with Mr Kapil Dutta,
Advocates for SDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.12.2018**

CM No.52769/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 13549/2018 & CM No.52768

2. The petitioner has filed the present petition, *inter alia*, praying that respondent no.3 (SDMC) and its officials be restrained from taking any action of demolition in respect of shop nos. G-16, G-17 & G-19, Triveni Shopping Complex, Sheikh Sarai-I, New Delhi-110017, which are owned by the petitioner without serving a prior notice. The petitioner apprehends that such action may be taken at the instance of respondent no.4 and the Petitions Committee. He claims that the Petitions Committee has no jurisdiction to issue any order of demolition and the jurisdiction to take such decision rests

only with the concerned Municipal Corporation.

3. Mr Arora, learned counsel appearing for respondent no.3 (SDMC) submits that a District Task Force (DTF) has been constituted to address the issue of encroachment. He further submits that the allegation that the petitioner has encroached upon the public land is also correct.

4. In view of the above, SDMC is required to take necessary steps for demolition and removal of the encroachment. It is also clear that the petitioner has been duly put to notice of the action for demolition and is unable to present any reason why such action should not be taken.

5. Since, this Court is of the view that the encroachment made by the petitioner is required to be removed, it would not be apposite to grant any relief as sought for in this case. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

DECEMBER 14, 2018
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