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

Date of Decision: 11.12.2019

+ W.P.(C) 13056/2019 & CM APPL. 53248/2019 (*stay*)

BALRAM-ENVIRONMENT AND SOCIAL DEVELOPMENT
ASSOCIATION Petitioner

Through: Mr. Sudhir Kumar Sharma, Adv.

versus

THE LIEUTENANT GOVERNOR OF DELHI AND ORS.

..... Respondents

Through: Mr. Gautam Narayan, ASC for
GNCTD with Ms. Shivani Vij &
Ms. Dachhita Shahi, Advs. for
GNCTD.

Ms. Puja Kalra, Standing Counsel
with Mr. Virendra Singh, Adv. for
R-4/NDMC.

Mr. Dhanesh Relan, Standing
Counsel with Ms. Gauri Chaturvedi &
Ms. Pallavi Nagar, Advs. for
R-9/DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (*Oral*)

W.P.(C) 13056/2019

1. This so-called Public Interest Litigation has been preferred with the following prayers:-

“a) *Issue a writ in the nature of mandamus or any other*

appropriate writ or directions directing the Respondents to demolish the unauthorized/illegal constructions in the green belt of village Burari and village Ibrahimpur in Delhi and to stop the illegal constructions in this area;

b) Issue a writ of mandamus or any other appropriate writ or directions directing the Respondent Nos.1 and 2 to constitute a high power panel/committee with direction to conduct survey of all the unplanned/illegal colonies on the agricultural land in question and to take appropriate action against the authority and officials found guilty and negligent; and

c) Pass any other or further orders as may be deemed fit and proper in the facts and circumstances of the present case.”
(Emphasis supplied)

2. Having heard learned counsel for the petitioner and looking to the facts and circumstances of the case, it appears that the petitioner is in search of demolition for so-called unauthorized or illegal construction from Village Burari as well as from Village Ibrahimpur, both situated in Delhi.

3. It appears that the prayer for demolition of illegal construction has been preferred without joining the owners/occupiers of the super structure as party respondents. In the absence of details of the owners or occupiers of premises in question and without joining them as party respondents, it cannot be decided on the basis of annexures annexed whether the construction is legal or illegal. Cogent and convincing evidences ought to be led before the competent Trial Court in the appropriate proceedings after arraying effected parties as defendants. It has become fashion to file blackmailing type of writ petitions. This petition is no exception to the aforesaid new trend developed. This is not a Public Interest Litigation at all. This is a blackmailing type of litigation. There cannot be a general,

lumpsum prayer for demolition of any constructions without arriving at a conclusion about the legality or otherwise thereof. There is a long drawn procedure established under the law to arrive at a conclusion - whether a given construction is legal or not. Legality of the construction cannot be decided in the writ petition, especially in the absence of the owner/occupier of the premises in question as party - respondents.

4. In view of the aforesaid facts and reasons, this writ petition is hereby dismissed with costs of Rs.10,000/- (Rupees Ten Thousand Only) to be deposited with Delhi State Legal Services Authority. This amount shall be utilized for the programmes “Access to Justice”.

5. A copy of this order will be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi – 110001.

CM APPL. 53248/2019 (stay)

In view of the aforesaid order in the writ petition, this application has become infructuous and the same stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 11, 2019

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