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

Date of Decision: 24.07.2019

+ W.P.(C) 630/2018

SHRI BALWAN SINGH

..... Petitioner

Through: Mr. Romy Chocko, Mr. Venkat
Subramaniam TR, Mr. Rahat Bansal, Mr. Arunav
Tewari & Mr. Rakesh Kumar Singh, Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Vikas Mahajan, CGSC with
Mr. Aakash Varma, Mr. Anil Kumar & Mr. Prajesh
V.S., Advs. for UOI
Mr. Eram Khan, Adv. for R-3/DDA
Mr. Siddharth Panda, Adv. for R-8/LAC
Ms. Ariya Khan, Adv. for SDMC/R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C. HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This writ petition has been preferred with the following prayers:

“(A) Issue a writ or writs including writ of declaration/quo warranto/mandamus or like nature directing the respondents no. 1 to 3 to demolish the illegal structures raised by the encroaching on public land situated in khasra no. 736 in Village Munirka, New Delhi by the Respondents no 4 to 7.

(B) It may also be directed to stay the continuous unauthorized construction and further ensure proper licences be issued/ granted to the complex constructed by Respondent no. 4 to 7.

(C) Such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances may also be passed."

2. Having heard both the sides and looking to the facts of the case, it appears that this is a case of demolition of the illegal construction raised by the concerned respondents at land situated at Khasra No.736 of Village Munirka, New Delhi.

3. Having heard both the sides and looking to the nature of allegations levelled in this writ petition about the alleged illegal construction on the land in question, we are of the considered view that it cannot be decided by this Court in a writ jurisdiction as it requires cogent and convincing evidences. We, therefore, direct the respondent No.2 to remove the alleged illegal/unauthorised construction, if any, from Khasra No.736, Village Munirka, New Delhi, in accordance with law, rules, regulations and government policy applicable to the facts of the present case, after giving adequate opportunity of being heard to the affected parties, especially owners/occupiers of the unauthorised constructions, as early as possible and practicable. Land Acquisition collector has filed a report in this writ petition which would also be appreciated by respondent No.2 while taking action in accordance with law.

4. With the aforesaid observation, this writ petition is hereby disposed of.

CHIEF JUSTICE

JULY 24, 2019/ns

C.HARI SHANKAR, J