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

Date of Decision: 08.08.2019

+ W.P.(C) 1363/2019

DHARMENDER KUMAR Petitioner
Through: Mr. Vivek Sharma, Adv.

versus

THE COMMISSIONER EAST DELHI MUNICIPAL
CORPORATION AND ORS. Respondents
Through: Mr. Rajan Tyagi, Adv. for R-1 to R-4
Ms. Warisha Farasat & Ms. Rudrakshi Deo, Advs.
for R-5

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This so called public interest litigation has been preferred with the following prayers:

“(i) Issue an appropriate writ directing the respondents 1 to 4 to take action against the concerned officials who have not taken any action despite the completion of the formalities for demolition of the property, adjoining to Plot No.F-11, East Jyoti Nagar, Delhi;

(ii) Issue an appropriate writ directing the respondents No.1 to 4 to comply with the order passed by the department for removal of the said property, adjoining to the Plot No.F-11, East Jyoti Nagar, Delhi;

(iii) Issue an appropriate writ directing the respondents No.1 to 4 to take action against the concerned officials who have

illegally allowed the construction upon the open space, reserved for community facility, adjoining to Plot No.E-4, East Jyoti Nagar, Delhi-110093.

(iv) Issue an appropriate writ directing the respondents No.1 to 4 to remove the unauthorised construction on the plot, adjoining to Plot No.E-4, East Jyoti Nagar, Delhi-110093, reserved for public facility.”

2. Having heard the counsel for the petitioner and the counsels for the respondents and looking to the facts and circumstances of the case, it appears that this petitioner is seeking demolition of the property situated at East Jyoti Nagar, Delhi. Blanket orders for demolition of property cannot be passed by the order of this Court, and that too in public interest litigation. It ought to be borne in mind that demolition can be done only after giving a due notice by the respondents to the concerned parties like owner or occupier of the premises and opportunity of being heard is to be given to all the stakeholders.

3. Whether the construction is legal or not, whether the construction is as per the Municipal Corporation Act and rules and regulations or not, cannot be examined in a writ petition, purportedly filed in public interest.

4. It appears that this is absolutely a private interest litigation. This type of writ petition cannot be treated as a public interest litigation at all. Previously, similarly situated writ petitions have been dismissed by this Court. Hence, we find no reason to entertain this writ petition. Even otherwise also after giving notice of demolition, there could be an adjudication and an order to be passed by the respondents which shall be an appealable order. For the demolition of the property, cogent and convincing evidences are required to be led.

5. In these circumstances, we are, dismissing this writ petition with the

costs of Rs.25,000/- (Rupees twenty five thousand only). This amount will be deposited in the Bank Account No.15530110000359, Registrar General Account, Juvenile Justice Centre SB, UCO Bank, Delhi High Court, New Delhi either by cheque or bank draft, within a period of six weeks from today, towards Juvenile Justice Fund. This amount shall be utilised for the welfare of the juveniles.

6. 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.

7. With the aforesaid observation, this writ petition stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 08, 2019

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