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

% *Date of Decision: 16th October, 2019*

+ W.P.(C) 1951/2019 & C.M.No.9105/2019

DELHI STATE YOUNG
LAWYERS FORUM & ANR

..... Petitioners

Through: None.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Ripu Daman Bhardwaj, CGSC
with Mr.T.P.Singh, Adv. for UOI.

Mr.Anjum Javed, ASC with Mr.Devendra Kumar,
Adv. for R-2/GNCTD.

Mr.Mukesh Gupta, Adv. with Mr.Shashi Gupta,
Adv. for SDMC.

Mr.Manish K.Srivastava, Adv. with Mr.Raijul
Taneja, Adv. for TPD.

Mrs.Abha Malhotra, Adv. for DDA.

Mr.Anupam Varma, Adv. with Ms.Meghna
Chandra, Adv. for R-7/BRPL.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice (Oral)**

1. When the matter was called out, none appeared for the petitioner.

However, we have heard the learned counsel for the respondents.

2. This petition has been preferred with the following prayers:-

“(a) issue a writ in the nature of mandamus directing thereby the Respondent No.1 and 2, to pass an ordinance thereby declare that all unauthorized properties which have been built-up contrary to law from 01.01.2015 till date either in authorized

colonies or in unauthorised colonies, or encroachment made on government land be government properties and the same be taken in possession by special speedy procedure and be allocated forthwith to War Victims and victims who have lost their dwelling houses in natural calamities because demolition process and sealing of unauthorised construction are sham proceedings and ultimately creating corruption in the civil society; and

(b) issue a writ in the nature of mandamus directing thereby the Respondent No. 1 and 2 amend the law and pass an ordinance that raising of unauthorized construction in authorized or unauthorised colonies or encroachment on government land would be dealt under the provisions of prevention and corruption act and Indian Penal Code for which severe punishment would be awarded; and

(c) issue a writ in the nature of mandamus directing thereby the Respondent No.1 and 2 to pass an ordinance that any government land is encroached by land mafia, the cost of land shall be recovered from the pocket of concerned officers which includes land owing agencies, law enforcement agencies, and local police, who is responsible for protection of those lands; and

(d) issue a writ in the nature of mandamus directing thereby the Respondent No.1 and 2 to pass an ordinance that all the cases which has been registered by the local police under the provisions of DMC Act from 01.01.2015 till date be also considered under the provisions of prevention of corruption act and Indian Panel Code;”

3. It appears that the petitioner wants the unauthorized construction carried out on the Government land after the cut off date of 31st December, 2014 may not be demolished and instead the same be declared as Government property and be taken over and handed over to the Government

for being allotted to the families of war victims.

4. We are not inclined to grant the prayers as prayed for in the writ petition for the simple reason that by such directions, several illegal construction on the Government land will remain as it is. The Government land cannot be permitted to be encroached by anyone. On the contrary, as and when any unauthorized construction is being carried out on the Government land, the same should always be demolished by the respondents by taking timely and appropriate action in that regard. Even otherwise also, the prayers as prayed for in this writ petition cannot be granted by this Court as there is no duty cast upon the respondents to legalize such type of illegal constructions carried out on the property of the Government for the purpose of being allotted to the families of war victims.

5. In view of the above, there is no substance in the writ petition and the same is, therefore, dismissed along with the pending application.

CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 16, 2019

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