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

+ **W.P.(C) 1086/2018**

RESIDENTS WELFARE ASSOCIATION
AND ORS.

..... Petitioners

Through Mr D.K. Sharma, Advocate.

versus

STATE (GOVT. OF NCT OF
DELHI) AND ORS.

..... Respondents

Through Mr Gautam Narayan, ASC for GNCTD
with Ms Shivani Vij, Mr Dacchita Shahi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
31.07.2019

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1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to take immediate and effective steps for removing encroachment on Gaon Sabha land, in particular, the petitioner has referred to encroachment on Khasra No. 134 located in village Devli.
2. It is alleged that the land mafia has taken over the said land and there is extensive encroachment upon the same. The petitioner also prays that a boundary wall be constructed to protect Khasra No.134 which is a 'nala' as per revenue records.
3. Mr Gautam Narayan, the learned counsel appearing for the respondent, submits that pursuant to the orders issued by the National Green Tribunal (NGT) in *Sonya Ghosh v. GNCTD: OA No. 58/2013* an extensive exercise has been carried out for demarcating Gaon Sabha land in the

Southern Ridge region. He states that demarcation in respect of several villages falling in the area have already been done and the encroachment on such land has been removed. Insofar as Khasra No. 134 located in village Devli is concerned, he states that a demarcation drive is planned shortly and all necessary steps will be taken for removal of encroachment on the said land in accordance with law.

4. Mr Narayan also states that a Special Task Force (STF) has been constituted pursuant to the orders passed by the Supreme court in ***M.C. Mehta v. Union of India & Ors.: W.P.(C) 4677/1985*** and the matter regarding encroachment on public lands in Delhi is being addressed by the said STF.

5. Mr Narayan has also handed over the orders passed by the Division Bench of this Court in ***People's All India Anti Corruption and Crime Prevention Society (Regd) v. South Delhi Municipal Corporation & Ors.: W.P. (C) 3147/2017***, wherein this Court has disposed of a petition raising similar issues by granting liberty to the petitioners to approach the STF in accordance with the policy and procedure laid down for the purposes in MHUA's Office Memoranda dated 25.04.2018 and 23.05.2018.

6. It is also noticed that by an order dated 20.09.2018 passed in ***Devender v. Government of NCT of Delhi & Ors.: W.P. (C) 1807/2018***, the Division Bench of this Court had observed that it would not be apposite for the Court to examine the issue of unauthorized construction as raised in that petition, in view of the constitution of the STF to examine the said issue.

7. This Court is also of the view that clearly, multiple fora are not required to overlook the action being carried out by the respondents. Since it is stated that the respondents are taking action regarding encroachment,

which would also include Khasra No. 134 located in village Devli, pursuant to orders passed by NGT, this Court does not consider it apposite to pass any orders.

8. The petition is, accordingly, disposed of with liberty to the petitioner to approach the STF. Needless to state that the petitioner would be at liberty to apply afresh in the event necessary action as indicated above is not taken within reasonable time.

VIBHU BAKHRU, J

JULY 31, 2019

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