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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 20th November, 2019

+ W.P.(C) 9057/2019

INDIAN HUMAN RIGHTS FRONT THROUGH ITS
PRESIDENT Petitioner

Through Ms. Preeti Singh, Adv.

versus

EAST DELHI MUNICIPAL
CORPORATION & ORS. Respondents

Through: Mr. Amrit Pal Singh, Standing
Counsel for respondent no. 1
Mr. Vivekanand Mishra, Sr. Panel
Counsel for respondent nos. 3 and
4
SI Mohd. Faizan Ghani, P.S.
Laxmi Nagar

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **20.11.2019**

D.N. PATEL, CHIEF JUSTICE (ORAL)

**CM APPL. No. 49989/2019 (for condonation of delay of 56 days in
filing C/A by R1)**

For the reasons explained in the application, 56 days delay in filing counter affidavit on behalf of respondent no. 1 is condoned. Counter affidavit is taken on record. The application stands disposed of.

W.P.(C) No. 9057/2019

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

*“(A) Issue a writ of mandamus or any appropriate writ (s)
or order (s) or direction (s) to respondent to demolish the*

illegal and unauthorized construction in TOTO (Total Complete Structure & Building) to facilitate the road construction.

(B) To widen and construct a straight road & nallah/storm drains as per the specifications of the EDIMC.

(C) To remove the unauthorized encroachment on the roadside in order to facilitate the pedestrians.

(D) Pass such other and further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

2. Having heard counsel for both the sides and looking to the counter affidavit filed by respondent no. 1, it appears that the petitioner is in search of demolition of unauthorised constructions allegedly carried out in the area from Vijay Chowk to Lovely Public School on the Main Market Road, Laxmi Nagar, Delhi.

3. It is submitted by the counsel for respondent no. 1 that the unauthorised constructions, which were on the roadside, have already been removed and these facts have been duly stated in the counter affidavit filed by them, especially in paragraphs “B”, “C” and “D”. For ready reference, paragraphs “B”, “C” and “D” of the counter affidavit filed by respondent no. 1 read as under:-

“B. An encroachment removal program was fixed, as per inspection dt. 08.05.18 of DC/Shah. (S) annexed as Annexure R-1 from Vijay Chowk to Lovely Public School on the Main Market Road Laxmi Nagar. The same was carried out by EDMC under overall control of

AC/Shah.(S} from 10th May, 2018 to July, 2018. During the action, encroachment in the shape of mannequins, benches, sign boards, ramps, extended shades and shutters etc. were removed and cleared. On 28.05.18, Commissioner EDMC along with Senior Officers and area councilor visited this road and met the shopkeepers, residents, RWAs and Market Associations. During the meeting the shopkeepers and residents agreed to remove encroachment, at their own level and Commissioner EDMC allowed them to clear it by 15.06.18.

C. In the meantime, on 08.06.18, the area was also visited by the Monitoring Committee, constituted by Hon'ble Supreme Court of India and the officers from EDMC and members of market Associations & RWA's from Laxmi Nagar were called in the office of Monitoring Committee on 11.06.18. The matter of encroachment on the road under reference and constructions existing at the time of regularization of the colony was discussed. Monitoring Committee during the meeting desired that owners/occupiers on their own and department, should remove the encroachment. The Monitoring Committee also desired that apart from other actions a committee be constituted to resolve the issue of R.O.W. (Right of Way) and its associated features.

D. As desired by Monitoring Committee on 11.06.18, a committee was constituted by Addl. Commissioner-I annexed as Annexure R-2 and the owners/occupiers were

sensitized by answering respondent/ EDMC to remove the encroachments on their own. As per report dt. 18.07.18 of the committee constituted by Addl. Comm-I annexed as Annexure R-3, the encroachment removal action was taken by the department and mostly by owners/occupiers themselves. The area is K inspected by the higher officers of answering respondent/EDMC regularly. No further permanent encroachment on the road has taken place after encroachment removal action. However, the facia of the buildings have been repaired by the owners/shopkeepers after the demolition.”

4. In view of the aforesaid submissions made by the counsel for respondent no. 1 and the fact that encroachments as pointed out by the petitioner in this writ petition, have already been removed, we see no reason to further continue and monitor this writ petition. Hence, this writ petition is hereby disposed of. However, liberty is reserved with the petitioner to move this Court in case of any difficulty by filing fresh proceeding.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 20, 2019

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