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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 27.11.2019

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W.P. (C) No.1169/2018

KHUSHI SEVA SANSTHAN

..... Petitioner

Through: Proxy counsel.

versus

**DEPUTY COMMISSIONER SOUTH ZONE MUNICIPAL
CORPORATION AND ANR.**

..... Respondents

Through: Mr. Surender Kumar Sharma & Mr. Sanjay Jain, Advocates for SDMC.
Mr. Anjum Javed, ASC, GNCTD with
Mr. Devendra Kumar, Mr. Faran Ahmed &
Ms. Priti, Advocates for R-2.
Insp. Rakesh Rawat & SI Amar Singh,
PS R.K. Puram.
Mr. S.S. Sastry, Mr. Ankur Gosian &
Mr. Sunil Kumar, Advs. for the applicant.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This Public Interest Litigation has been preferred for the following prayers :-

“a) Direct the respondents to remove/demolish the unauthorized and illegal constructed shops situated at Sector-4, near Jain Mandir, R.K. Puram, New Delhi and also prevent them to re-encroachment upon the said Government land.”

2. Having heard the counsel for both the sides and looking to the facts

and circumstances of the case, it appears that this Public Interest Litigation has been preferred for demolition of the unauthorized and illegal construction of shops situated at Sector 4, near Jain Mandir, R.K. Puram, New Delhi.

3. When we raised a question to the petitioner that how many shops are illegally constructed which are to be demolished, the petitioner has no answer. Neither such shop owners – owners of the superstructure have been joined as party respondents.

4. Thus, in the absence of the necessary parties – owners of the superstructure of the shops, no specific direction can be given to the respondents. In fact, this is not a Public Interest Litigation at all. This appears to be a Publicity Interest Litigation filed innocently or being filed for blackmailing purpose.

5. Nonetheless, we hereby direct the respondents, if there is any unauthorized construction in the area in question, which is referred to in the prayer hereinabove of the aforesaid writ petition, the respondents may initiate actions of the demolition of the unauthorized/illegal constructions in accordance with law, rules, regulations and Government policy applicable to the facts of the case and after giving an adequate opportunity of being heard to the owners/occupiers of the superstructure.

6. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 27, 2019/‘AA’