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

Date of Decision: 27.11.2019

+ **W.P. (C) No.1231/2018**

NAVIN KUMAR

..... Petitioner

Through: Proxy counsel.

versus

DEPUTY COMMISSIONER SOUTH ZONE MUNICIPAL
CORPORATION AND ANR.

..... Respondents

Through: Mr. Mukesh Gupta, SC, SDMC with
Mrs. Shashi Gupta, Advocate for R-1.
Ms. Manisha Chauhan & Mr. Zahid Hanief,
Advocates for Mr. Naushad Ahmed Khan,
ASC (Civil), GNCTD for R-2.
Insp. Rakesh Rawat & SI Amar Singh,
PS R.K. Puram.

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 demolish/remove the unauthorized and illegal constructed shops and not allow rehri of the hawkers and encroachment on road side at Sector-I, Gate No. 1, Opposite Kashmiri Market, Vivekanand Marg, R.K. Puram, New Delhi;*

b) Direct the respondents to remove the encroachments/ unauthorized construction on the Government road/ street of public utility.”

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 shop situated at Sector I, Gate No.1, opposite Kashmiri Market, Vivekanand Marg, 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. Learned counsel for the respondents submitted that they are already removing unauthorized construction on the road side.

6. 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.

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

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 27, 2019
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