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

Date of Decision: 9th October, 2019

+ W.P.(C) 10764/2019

RAJESH SINGH NEGI

..... Petitioner

Through: Mr. Rajan Chaudhary, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr. Ajjay Aroraa with Mr. Kapil
Dutta, Advs. for R-1

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 with the following prayers:

“1. Issue a writ of mandamus thereby directing the respondents to remove/demolish the illegal and unauthorized constructions raised by the respondent No. 2 at property bearing No. A96 / 97, Paryavaran Complex under ward Mehrauli South zone, New Delhi and further direct respondent to take appropriate action against the illegal construction at property bearing no. A96/97 Paryavaran Complex under ward Mehrauli south zone, New Delhi.

2. Further respondents be restrained from raising any further unauthorised/illegal construction raised on the property bearing no. A96/A97 Paryavaran Complex under ward Mehrauli south zone. New Delhi.

3. *Pass any other or further order/relief as deemed fit and proper under the facts and circumstances mentioned above, in favour of the petitioner/applicant in the interest of equity and justice.”*

2. Having heard the counsel for petitioner and the counsel for respondent No.1, it appears that there are allegations about the illegal and unauthorised constructions alleged to be raised by the respondent No.2 at property bearing No.A-96/97, Paryavaran Complex under Ward Mehrauli South Zone, New Delhi. We, therefore, direct respondent No.1 to take decision whether the construction in question is legal or not. The said decision will be taken by the respondent No.1 in accordance with law, rules, regulations and Government policy applicable to the facts of the present case and on the basis of evidences available on record after giving an adequate opportunity of being heard to the owner/occupier of the super structure in question as expeditiously as possible and practicable. If construction in question is found to be illegal, the same shall be demolished by respondent No.1 in accordance with law.

3. With the aforesaid observations, this writ petition is disposed of.

CM APPL.44452/2019

4. In view of the final order passed in W.P.(C) 10764/2019, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 09, 2019

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