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

+ W.P.(C) 1463/2018 & CM APPL. 6030/2018

CHATTAR SINGH RACHHOYA

..... Petitioner

Through: Mr. Vikas Bapurao Pakhiddey, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr. Jawahar Raja, ASC for R-1, 2, 7 & 8.

Mr. Parvinder Chauhan, Adv. for DUSIB.

Mr. Akhil Mittal, Standing Counsel for NDMC/R-3, 5 & 6.

Mr. N.S. Dalal & Ms. T. Banerjee, Advs. for Sonia Hospital.

Mr. Tarun Sharma with Ms. Akanksha Kapoor & Mr. Pradeep Singh, Advs. for Property owner Sl. No.(q).

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

31.07.2019

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

“(a) issue of writ, order (s) or direction (s) in the nature of mandamus directing Respondents to remove illegal occupation of E - 501 and E - 502, J.J. Colony, Phase - 2, Nangloi, from

illegal occupants and to take appropriate legal action against such illegal occupants and;

(b) issue of writ, order (s) or direction (s) in the nature of mandamus directing Respondents to demolish and further prevent illegal and unauthorised constructions as well as to remove illegal occupation and encroachment in Narela Zone and Rohini Zone of North Delhi Municipal Corporation which have been enumerated in the petition and;

(c) pass any other order or orders this Hon'ble Court may deem fit & proper in the circumstances of the present case.”

2. We have heard the learned counsels appearing for both the parties and we have heard the counsels appearing for the newly joined party - Sonia Hospital. Counsel for the owner of the property i.e. 404, Bhairaan Enclave, New Delhi, [which is mentioned at Page No.42 – at Serial No.(q)] is also present and both the counsels for the newly joined parties have submitted that their construction is legal and in accordance with the rules and regulations of the construction that has been carried out by their clients and there is no illegality in their construction. Regarding Plot No.404, Bhairaan Enclave, New Delhi, the property which is mentioned at Page No.42 – Serial No.(q), counsel for the owner of the plot submitted that the same is allotted by Delhi Development Authority.

3. It appears from the facts of the case that the properties mentioned in this matter involve authorized and unauthorized construction as well as legal and illegal construction and the other side has also so many things to be conveyed to the North Delhi Municipal Corporation.

4. Hence, we hereby direct respondents No.3, 5 and 6 to remove the encroachment from the places which are mentioned in the memo of the writ petition, more particularly, as mentioned in the prayer clause (a) and (b) as stated hereinabove in accordance with law, rules, regulations, Government policy applicable to the facts of the present case and after giving an adequate opportunity of being heard to the owners/occupiers of the super structures, as early as possible and practicable.

5. This writ petition is disposed of with the aforesaid observations. The pending application also stands disposed of accordingly.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 31, 2019

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