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

+ W.P.(C) 2227/2018 & C.M.No.9202/2019 (*stay*)

RESIDENT WELFARE ASSOCIATION

CHATTARPUR EXTENSION, NEW DELHI Petitioner

Through: Mr.Vivek Sood, Sr.Adv. with
Mr.M.M.Singh, Mr.Prashant Kr.Singh, Advs.

Versus

DY. COMMISSIONER, S.D.M.C. & ORS Respondents

Through: Mr.Ajjay Aroraa, Adv. with Mr.Kapil
Dutta, Adv. for SDMC.

Mr.Sameer Vashisht, ASC with Ms.Urvi Kapoor,
Adv. for R-2 to 4.

Mrs.Avnish Ahlawat, Standing Counsel with
Mr.N.K.Singh, Adv. for DTL.

Ms.Garima Jindal, Adv. for R-6/DJB with
Mr.L.L.Meena, XEN, J-Block, Saket.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

24.07.2019

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1. This public interest litigation has been preferred for the following prayers:-

“a) Issue appropriate writ, order or direction, directing the respondents to take prompt action against the illegal construction/encroachment made under HT Power line on the main road of B block Chhatarpur Extn., as House No. B-13/2, B-13/3, B-13/5A, B-95, B-67/2 and all construction and iron gates under HT Power line in B and C Block.

b) Issue appropriate writ, order or direction, directing the respondents to take prompt action against the illegal construction/encroachment made under C block Chhatarpur Extn, i.e., C-7, C-33 adjoining 34 side; C-38, C-46, C-53B, C-54, C-59, C- 59/1, C-67/A/1 corner plot, C-70,C-71,C-72,C-73,C-74, C-77, C-78, C-84 and in Khasra No. 965/966, or near (C-515, C-537), C-535 and all other undergoing construction by the builders at behind ATFL (Asian Townsvilla Farms Ltd.) office developed by the colonizers of the society through the help of bouncers and anti social elements.

c) Issue the direction to Delhi Jal Board and BSES Rajdhani to disconnect the water and electricity connection in the illegal construction already made and undergoing construction in the properties mentioned in the above paras (a) and (b), in the Chattarpur Extension, New Delhi.”

2. Having heard the learned counsel for both the sides and looking to the facts of the case, it appears that there are several allegations by the petitioner with regard to unauthorized constructions carried out by several persons at B-Block, Chhatarpur Extension at House No.B-13/2, B-13/3 etc. as well as at Khasra No.965/966 etc. which are mentioned in the prayer clauses as extracted hereinabove.

3. While exercising our powers under Article 226 of the Constitution of India, we are not inclined to decide who has constructed what and whether it is legal or illegal. Suffice would it be at this stage to direct respondent No.1 that if there is any unauthorized or illegal construction at the premises stated in the memo of the writ petition especially those mentioned in the prayer clauses, the same will be removed as early as possible and practicable in accordance with the law, rules & regulations and Government policies applicable to the facts of the present case after giving adequate opportunity

of being heard to the owners of the premises.

4. With these observations, the petition is disposed of along with the pending application.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 24, 2019

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