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

Date of decision: 2nd December, 2019

+ W.P.(C) 12643/2019

SHRI SANDEEP DAHIYA

Through

Mr. Abhishek
Mr. Abhist, Advs.

..... Petitioner

Singh and

versus

NORTH DELHI MUNICIPAL CORPORATION
AND ORS.

Through

Mr. Mukesh Gupta, Standing
Counsel with Mr. Shashi Gupta
and Mr. Mayank Ahuja, Adv. for
NDMC

..... Respondents

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

02.12.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

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

“(a) Issue writ of mandamus or any other writ/order/direction to the Respondent No. 1, for taking action against the Commercial properties bearing Plot no. WZ-671, Main Market, Rishi Nagar, Rani Bagh, Delhi-110034, Plot No. 861, Rani Bagh, Delhi 110034, Plot no. 1484, Rani Bagh, Delhi-110034, Plot No. 320, Rishi Nagar, Rani Bagh, Delhi 110034, Plot No. 936, Rishi Nagar, Rani

Bagh, Delhi 110034, Plot No. 3381, Mahindra Park, Rani Bagh, Delhi 110034, Plot No. 755, Rishi Nagar, Rani Bagh, Delhi 110034 and Plot No. 1400, Multani Mohalla, Rani Bagh, Delhi 110034, Plot no. 3162, Mahindra Park, Rani Bagh, Delhi - 110034, Plot No.: 1760, Rani Bagh, Delhi-110034, Plot No. 1551, Rani Bagh, Delhi -110034 and Plot No.: 1906, Rani Bagh, Delhi -110034, as per law.

(b) Issue Directions to Respondent no. 1 to keep check so that no such construction is carried out in the coming future; Appoint a local commissioner to assist the Respondents for demolition the unauthorised and illegal constructions/ encroachment existing inside and outside the said properties, and or any other stricter/encroachment, to avoid a dangerous and hazardous condition it can cause in the near future;

(c) Pass such further or other orders as this Hon'ble Court may deem fit and proper."

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that the respondents have already enlisted the aforesaid properties which are mentioned in the prayer clause (a) of the memo of this writ petition for demolishing.

3. It is submitted by learned counsel for the petitioner that the respondents are not taking action in accordance with law against the aforementioned properties inspite of the fact that lists of these properties have been duly mentioned on the website of Respondent No.1 as unauthorised and illegal constructed properties.

4. In view of the aforesaid submissions, we hereby direct the

respondents to initiate action against the properties which are mentioned in prayer (a) of this writ petition, in accordance with law, rules, regulations and Government policies applicable to the facts of this case, and in case they are found illegal, the same will be demolished in accordance with law, rules, regulations and Government policies applicable to the facts of this case, after giving an adequate opportunity of being heard to the owners/occupiers of the super structures.

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

CM APPL. 51630/2019

1. In view of the disposal of the writ petition, this application also stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 02, 2019

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