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

Date of Decision: 14.08.2019

+ W.P.(C) 2397/2018

BANKNER RESIDENTIAL WELFARE ASSOCIATION (R)

..... Petitioner

Through: Mr. Devesh Pratap Singh & Ms. T. Banerjee, Advs.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Naushad Ahmed Khan, ASC (Civil), GNCTD with Ms. Manisha Chauhan, Adv. & Mr. Anil Tomar, BDO for R-1, 3 & 4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (ORAL)

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

“(i) Issue an appropriate writ, order or direction thereby directing the Respondents to remove the encroachment to the extent of about 18 biswas over the land of Water Body bearing Khasra No. 37/29 measuring 14 Bighas 04 Biswas situated in the revenue estate of Village Bankner, Delhi and submit the Action Taken Report before this Hon'ble Court;

(ii) Issue an appropriate writ, order or direction thereby directing the Respondents to develop, beautify and protect the

Water Body and complete the aforesaid process within a time bound period;

(iii) Issue an appropriate writ, order or direction thereby directing the Respondents to explain as to why in spite of general directions having been issued for protection of the Water Body, Water Body of Khasra No. 37/29 situated in the revenue estate of Village Bankner, Delhi, has not been protected and encroachment continues;

(iv) Award costs of the present writ petition in favour of the Petitioners and against the Respondents;

(v) Pass any such other or further orders as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case, in favour of the Petitioner and against the Respondents."

2. We have heard the counsel appearing for the petitioner and the counsel for the respondents.

3. It appears from the facts of the present case that there is encroachment at land situated at Khasra No.37/29 of Village Bankner, Delhi which is basically a water body. This encroachment had to be removed by the respondents. Thus, an amount of Rs.45.85 lakhs has been given by respondent No.1 to the respondent No.3 through Delhi State Industrial and Infrastructure Development Corporation Ltd. (DSIIDC). Despite the aforesaid amount having been transferred, the encroachment has not been removed.

4. In view of these submissions, we hereby direct the respondent No.1 to remove the encroachment with the help of other respondents from Khasra No.37/29 at Village Bankner, Delhi which is approximately admeasuring 14 Bighas and 04 Biswas. The encroachment will be removed in accordance

with law, rules, regulations and Government policy applicable to the facts of the present case and after giving adequate opportunity of being heard to the concerned parties/encroachers. This exercise will be completed as early as possible and practicable.

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

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 14, 2019

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