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

+ W.P.(C) 3716/2014

S.R. WADHWA & ANR

..... Petitioners

Through: Mr Kapil Gupta, Ms Muskan Gupta
and Ms Neha Anand, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORS Respondents

Through: Mr Prateek Dahiya, Advocate for R-1
and R-4.

Md. Israr Khan, Advocate for R-7.

Ms Biji Rajesh, Advocate for Mr
Gaurang Kanth, Advocate for SDMC.
SI Sandeep, PS Fatehpur Beri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.03.2019

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“a. allow the present petition by issuing appropriate writ, order and/or direction in the nature of mandamus or any other writ, inter-alia, by issuing directions to the Respondent No.1 to take action against the Respondent Nos.6 & 7 for trespassing on the public/government land of area of 1 acre allotted for park, public utilities etc., under 20-Point Program Scheme for Schedule Castes and Schedule tribes situated at Ambedkar Nagar, Aya Nagar, New Delhi and also by forthwith demolishing the illegal and

unauthorized construction carried out by the Respondent Nos.6 & 7 on the same; &

- b. issue appropriate writ, order and/or direction in the nature of mandamus or any other writ, inter-alia, by issuing directions to the Respondent Nos.1 to 5 to remove illegal and unauthorized construction carried out by the Respondent Nos.6 & 7 on the same.”

2. It is the petitioners case that unauthorized construction has been raised at various locations of Aya Nagar, New Delhi both on private land as well as on Government land. At a hearing held on 18.01.2017, petitioner no.1 had also handed over a photograph which indicates that certain fresh construction was being raised.

3. It was contended on behalf of the respondent authorities that unauthorized construction activity was not permitted in Aya Nagar and it was also assured that action has been taken by the respondents. In view of the above conflicting stands, this Court had directed respondent no.4 to file a personal affidavit affirming the above.

4. In compliance with the aforesaid direction, SHO, Fatehpur Beri has filed an affidavit stating his stand that whenever any illegal construction is found in Aya Nagar, an FIR is lodged. It is also affirmed that two major demolition drives were carried in the area; one on 14.05.2018 by the District Magistrate, South and the second one on 28.09.2018 by SDM Mehrauli.

5. Insofar as the photograph handed over by petitioner no.1 is concerned, it is stated that the whereabouts of construction as indicated in the photograph could not be ascertained.

6. In view of the above, the present petition is disposed of with the

following directions:-

- a) The respondent authorities shall maintain strict vigil to ensure that there is no encroachment on public land and no unauthorized construction is carried on in the area in question.
 - b) The petitioners shall appear before the SHO, Fatehpur Beri on 25.03.2019 at 10:30 AM and shall accompany the petitioner to the particular site, where it is alleged that unauthorized construction is being raised. If it is found that any unauthorized construction is being raised, SHO Fatehpur Beri shall take immediate steps in accordance with law. He shall also inform respondent no.4 (SDMC) about the same. SDMC shall ensure that the necessary action is taken in accordance with law.
7. No further orders are required to be passed in this petition. The same is disposed of.

MARCH 19, 2019
MK

VIBHU BAKHRU, J