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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4432/2014, CM No. 16197/2014

VISHWAS NAGAR VIKAS SAMITI (REGD.) Petitioner

Through: Mr. Atul Kumar, Advocate for
petitioner
Ms. Suman Chauhan, Advocate for
intervenor

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS

..... Respondent

Through: Ms. Biji Rajesh and Ms. Priya Barua,
Advocate for R-1
Mr. Manish Srivastava, Advocate for
R-3

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.07.2019

The present petition has been filed by the petitioner with the following prayers.

A short counter affidavit has been filed by the EDMC wherein in paras 2 to 5 the following has been stated:

“2. It is submitted that prior to the presentation to the present writ petition, the Petitioner herein filed a writ petition W.P (C) No. 4717 of 2010 before this Hon'ble Court seeking removal of the unauthorized encroachment existing on the service road adjoining the Kasturba Drain in Vishwas Nagar. The Petitioner through an application for direction in the aforesaid writ petition also sought an order from this Hon'ble Court to remove the unauthorized

encroachment which exists on the sleeve of the road as well. It is submitted that the Petitioner is seeking the same relief in the present petition.

3. It is submitted that this Hon'ble Court vide order dated 30th January 2014 was pleased to observe that the grievance of the petitioner in W.P (C) No. 4717 of 2010 was limited to the unauthorized encroachment existing on the service road and since the same was cleared, this Hon'ble Court was pleased to dispose of W.P (C) No. 4717 of 2010.

4. The Petitioner through the present writ petition is seeking a direction from this Hon'ble Court to demolish the unauthorized encroachment exist after the 9 meter road from Kasturba drain Vishwas Nagar.

5. It is submitted that as per the layout plan received from Town Planning department, EDMC of Vishwas Nagar, there is a 9 meter wide service road along the Kasturba drain from Karkari road to Ram Gali. After the said 9 meter wide road, Vishwas Nagar unauthorized/regularized colony begins. It is submitted that the said colony is an unauthorized/regularized colony which is regularized 'as is where basis'. There is no encroachment on 9 meter road in between Kasturba drain and Vishwas Nagar Colony. Copy of the layout plan of Vishwas Nagar is annexed herewith as Annexure R-1."

It is seen that the respondent has stated that there is no encroachment on 9 meters road between Kasturba drain and Vishwas Nagar colony. In support of their case, they have filed photographs of the area in question from which it is seen that that there are no encroachments.

Accordingly, the writ petition is closed.

Liberty shall be with the petitioner, in the eventuality encroachment resurfaces, it can seek such remedy as available in law.

V. KAMESWAR RAO, J

JULY 22, 2019*/nd*