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

Date of Decision: 24.07.2019

+ W.P.(C) 3052/2017

DIWAN SINGH AND ORS

..... Petitioners

Through: Mr. Rajiv Dutta, Sr. Adv. with
Mr. Vipin K. Singh & Mr. Siddharth Dutta &
Mr. Devesh Chauvia, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Sandeep Bajaj & Mr. Naman
Tandon, Advs. for R-2
Mr. Romy Chocko, Mr. Venkat Subramaniam TR,
Mr. Rahat Bansal, Mr. Arunav Tewari &
Mr. Rakesh Kumar Singh, Advs. for R-3
Mr. Siddharth Panda, Adv. for R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This writ petition has been preferred with the following prayers:

“Issue a Writ order or direction in the nature of mandamus or any other appropriate order or direction thereby directing respondents and particularly respondent No. 2 to demolish the illegal construction raised by encroaching public land/road/street situated in Village Munirka, New Delhi as shown in the site plan Annexure P-1 in red color.

Any other order or relief which this Hon'ble Court may deem fit and proper may also be passed in favour of the petitioners and against the respondents.”

2. Having heard both the sides and looking to the facts of the case, it appears that there is prayer for demolition of the unauthorised construction

which is an encroachment on the public land/road/street situated at Village Munirka, New Delhi as per the site plan at Annexure-P-1 in red colour.

3. Looking to the contentious issues raised by the respondents and more particularly by the respondent No.3, it appears that these are disputed questions of fact which can only be finalised by the concerned respondent authority i.e. respondent No.2. We therefore direct respondent No.2 to remove the unauthorised constructions, if any, from Khasra No.734, Village Munirka, New Delhi in accordance with law, rules, regulations and government policy applicable to the facts of the present case after giving adequate opportunity of being heard to the affected parties, especially owners/occupiers of the alleged encroachment/unauthorised constructions as early as possible and practicable. While taking action, respondent No.2 shall keep in mind the defences to be raised or already raised in this writ petition by way of counter affidavit, more particularly by respondent No.3. Land Acquisition collector has filed a report in this writ petition which would also be appreciated by respondent No.2 while taking action in accordance with law.

4. With the aforesaid observation, this writ petition is hereby disposed of.

CM APPLs.13366/2017 & 21104/2019

5. In view of the order passed in W.P.(C) 3052/2017, all these applications also stand disposed of.

CHIEF JUSTICE

JULY 24, 2019/ns

C.HARI SHANKAR, J