

\$~43

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

+ **W.P.(C) 6894/2016 & CM No. 30811/2016**

**BAHUJAN MAHASABHA DELHI PRADESH** ..... Petitioner

Through: Mr Vikas Bapurao Pakhidden,  
Advocate.

versus

**DELHI URBAN SHELTER IMPROVEMENT  
BOARD**

..... Respondent

Through

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **11.07.2019**

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

“(a) issue writ, order or directions in the nature of mandamus directing the Respondent for change in the layout plan in respect of land measuring 100 sq. yards on which dr. Ambedkar Temple / Bahwan is constructed in Nangloi Phase - II from toilet block.

(b) issue writ, order or directions in the nature of mandamus directing the Respondent to allot to Petitioner 100 sq yards of land for dr. Ambedkar Temple / Bahwan at price fixed by the Respondent;

2. The petitioner claims to be a society registered under the Societies Registration Act, 1860 and states that it is engaged in the upliftment of the down-trodden and persons belonging to the scheduled castes.
3. The petitioner seeks allotment of a plot of land admeasuring 100 sq

yards, located at Nagloi Phase-II. The petitioner states that Dr Ambedkar Temple/Bhawan has been constructed on the said plot.

4. The learned counsel appearing for the petitioner states that the petitioner has not constructed the said property and the same was constructed some years ago by the local residents. The petitioner now seeks to take over the management of the said property and has accordingly sent various representations to various authorities. Since, the representations have not been acceded to as yet, the petitioner has filed the present petition.

5. Admittedly, the said structure has been raised unauthorizedly on land belonging to Delhi Urban Shelter Improvement Board (DUSIB). It is also apparent from the above that the petitioner has no right to allotment of the said public land. Considering that the structure has been raised unauthorizedly, the concerned authorities are required to take steps for removal of the same. It is common knowledge that such constructions are raised unauthorizedly as a ruse to grab the public land. Such endeavours should be dealt strictly and swiftly by the concerned authorities.

6. As stated above, the petitioner has no right to insist on allotment of the land in question or to insist that the layout of the plan be changed. It is well settled that recourse under Article 226 of the Constitution of India is available to protect legal rights (see *Calcutta Gas Company & Ors. v. The State of West Bengal: AIR (1962) SC 1044*). In this view, the present petition is unmerited.

7. This Court is of the view that recourse to court for such relief ought to

be discouraged. Accordingly, the present petition is dismissed with costs, quantified at ₹10,000/-. The cost shall be deposited with the Delhi High Court Bar Clerks Association within a period of two weeks, from today.

8. The pending application is also disposed of.

**VIBHU BAKHRU, J**

**JULY 11, 2019**  
**MK**