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

+ W.P.(C) 8439/2018

PEOPLE'S ALL INDIA ANTI CORRUPTION AND CRIME
PREVENTION SOCIETY (REGD.) Petitioner

Through: Mr. Pradeep Dudy, proxy counsel for
Mr. Nikhilesh Kumar, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Ms. Monika Arora with Mr. Kushal
Kumar & Mr. Akashdeep Gupta,
Advs. for SDMC.
Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Deepak Shrivastava, Adv.
for R-2 & 3.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
28.08.2019

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

“a. Issue a writ of mandamus, order or direction, directing the Respondent No. 1 and 2 to forthwith remove/demolish the illegal encroachment and demolish illegal construction/buildings/houses as mentioned in paragraph 8 of the present Writ Petition;

b. Issue a writ of mandamus, order or direction, directing the Respondent No. 3 to register a case and initiate inquiry against the concerned officials of Respondent No.1 in whose jurisdiction the illegal construction is going on under the relevant provisions of law;

c. Issue a writ of mandamus, order or direction, directing the Respondent No. 3 to provide adequate/ sufficient police force to remove/demolish the illegal encroachment and construction;

d. Pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. Having heard counsel for the petitioner and counsel for the respondents, it appears that the petitioner has narrated certain constructions as illegal constructions in Paragraph 8 of the writ petition, which are to be removed by respondent No.1.

3. When we raised certain questions as to how the petitioner came to know about the legality or otherwise of these constructions, and on what basis the ground (C) has been mentioned in the memo of this petition and with what knowledge, the petitioner does not have any answer.

4. Nonetheless, if there is any illegal construction, the same is required to be removed 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 owners/occupiers of the super structure by the concerned respondent authorities. If there is any stay granted by any competent court/competent authority, the same shall also be appreciated in accordance with law.

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

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 28, 2019
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