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

Date of Decision: 18.11.2019

+ W.P.(C) 9126/2018

VIJAY KUMAR DIWAKAR

..... Petitioner

Through: Mr. Joginder Tuli, Ms. Joshini Tuli,
Advocates

versus

STATE OF (NCT) OF DELHI AND ORS.

..... Respondents

Through: Mr. S.K. Tripathi, Additional
Standing Counsel for GNCT with
Mr. Shashank Tiwari, Mr. Arpit
Bisht, Advocates for respondent No.1.
Mr. Nitin Jain, Advocate for
respondent No.2 (DUSIB).
Ms.Sangeeta Chandra, Mr. Deepak
Khadaria, Advocate for respondent
No.3 (SDMC).

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (*Oral*)

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

“(i) *allow this writ petition and issue directions in the nature of writ of mandamus or any other writ or orders or directions to SDMC/respondent no.3 to demolish the illegal/unauthorized constructions that has been done on the 103 plots allotted to 157*

persons admeasuring 268 sq. meter each plots by the Delhi Urban Shelter Improvement Board (DUSIB) in terms of notification issued in the year 1976-77 for dairy farming known as Madan Pur Khadar Dairy Farm (opposite Sarita Vihar Metro Station)',

- (ii) conducting an enquiry into the unauthorized and illegal Constructions and take action in accordance with law against the erring officers, public representatives and initiate prosecution against all concerned persons responsible for such rampant illegal construction on the said land allotted for dairy farming; and*
- (iii) pass any other order which this Hon'ble Court may deem fit in the interest of justice."*

2. Having heard counsel for the petitioner and considering the facts and circumstances of the case, it appears that this petitioner is seeking direction from this court to the respondent no.3 to demolish the unauthorised construction on 103 plots allotted by Delhi Urban Shelter Improvement Board (DUSIB), as stated in this writ petition.

3. It would be kept in mind by the petitioner that no construction can be demolished without joining the concerned owners/occupiers of the same premises. Hence, we see no reason to entertain such type of litigation and much less as a Public Interest Litigation.

4. Nonetheless, we hereby direct that the respondent No.2 and 3 to have a joint inspection of the plots in question, which are narrated in this writ petition and if there is any unauthorised construction, action

shall be taken by the concerned authorities in accordance with law, Rules, Regulations and Government Policies applicable to the facts of the case and after giving an adequate opportunity of being heard to the owners/occupiers of the super-structure.

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

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 18, 2019

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