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

Date of Decision: 11.10.2019

+ **W.P.(C) No.4612/2017 & CM Nos.35261/2018, 35262/2018**

S B TRIPATHI

..... Petitioner

Through: Mr.Anil K. Aggarwal, Adv.

Versus

SOUTH DELHI MUNICIPAL CORPORATION

AND ANR

..... Respondents

Through: Mr.Rajan Tyagi, Adv. for R-
1/SDMC.

Mr.Sanjoy Ghose, Adv. with Ms.Urvi
Mohan, Adv.

Mr.Arjun Pant, Adv. for DDA.

+ **W.P.(C) No.4834/2018 & CM No.18628/2018**

SH. SANJAY GUPTA

..... Petitioner

Through: Mr.Anil K. Aggarwal, Adv. with
Mr.Madan Mohan, Adv. &
Ms.Nayantara Sharma, Adv.

Versus

GOVT OF NCT OF DELHI AND ORS

..... Respondent

Through: Mr.Rajan Tyagi, Adv. for R-
1/SDMC.

Mr.Ramesh Singh, Adv. with
Ms.Warisha Farasat, Adv. &
Mr.Chirayu Jain, Adv. for Govt. of
NCT of Delhi.

Mr.P.S. Singh, Adv. for R-3/DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE REKHA PALLI

D.N. PATEL, Chief Justice (Oral)

1. These public interest litigation have been preferred with the

following prayers:-

WP(C) No.4612/2017

- “a) Direct Respondent No. 1 and 2 to take every possible measures/steps including initiate acquisition proceedings and complete Dabri flyover project.
- b) Direct Respondent No. 1 and 2 to initiate departmental vigilance enquiry in the matter and to punish the officials who are found guilty of dereliction from duty, negligence etc. which led to non-completion the flyover in question.
- c) Pass any order and further orders that may be deemed fit by this Hon'ble Court”

WP(C) No.4834/2018

- “(a) to issue a writ of mandamus and/or any other appropriate writ/s, order/s or direction/s directing the respondents to work together and facilitate SDIMC (R-2), who shall take all necessary steps and measures under the Delhi Municipal Corporation Act, '57 to immediately remove 5 Houses/shops in Dabri Village fouling the regular line of Shaheed Balwan Singh Solanki Marg i.e. the slip road coming from Delhi Cantt./Sagarpur and going towards Palam/Dwarka Sub-city; and
- (b) Pass such other writ/s, order/s or direction/s as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and in the interest of justice including cost to the petitioners.”

2. Having heard learned counsel for the parties and looking to the facts and circumstances of the cases, it appears that there is a project undertaken by the respondents known as Dabri Flyover Project. The said project is yet to be completed as per the submission of counsel for the petitioners. Counsel for the petitioners further submitted that

there are five shops/houses which are creating bottleneck at Dabri Flyover Project, out of which three have been removed and two are left out. It is further submitted by counsel for the petitioners that these two left out houses/shops are creating problems for the public at large during traffic hours.

3. Learned counsel appearing for the respondents submitted that in pursuance of the Execution Proceedings Nos.74, 75 & 76 pertaining to year 2019, arising out of RCS Nos.36, 37 & 38 pertaining to year 2017, the shops/houses which were subject matter of these RCS, have been removed and it is submitted by counsel for the DDA that if there is any further encroachment by way of shops/houses, the same shall be removed in accordance with law, rules, regulations and Government policy, after giving adequate opportunity of being heard to the owner/occupier of the super structure.

4. In view of the aforesaid submission and also looking to the fact that Dabri Flyover Project is already completed, after the removal of the encroachments pursuant to Execution Proceedings No.74, 75 & 76 of the year 2019, we see no reason to further monitor these cases. Moreover, it is directed to the respondents that if there is any further encroachment in effective use of the Dabri Flyover Project, the same shall be removed by the respondents in accordance with law, rules, regulation, Government policy applicable to the facts of the case, after giving adequate opportunity of being heard to the affected party concerned. If there is any proceedings pending in the Court of law, for such type of encroachment, all steps shall be taken by the respondents to complete the proceedings expeditiously for removal of the encroachment.

4. With these observations, these writ petitions along with pending applications are hereby disposed of.

CHIEF JUSTICE

REKHA PALLI, J

OCTOBER 11, 2019/aa

