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

Date of decision: 22nd October, 2019

+ **W.P.(C) 11014/2018**

ATRAJ & ORS.

..... Petitioners

Through: **Mr. Arun Kumar Kaushik, Adv.**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Mr. Dev P. Bhardwaj, CGSC for
R-1/UOI with Mr. Jatin Teotia, Adv.**

**Mr. T.S. Nanda, Adv. for R-2, 3,9,10,11,12 and
13**

Ms. Puja Kalra, Adv. for R-4/SDMC

Mr. Ajay Verma and Mr. Pawan Kawrani,

Advs. for R-5/DDA

**Mr. Rameezuddin Raja for Ms. Sangeeta Bharti,
ASC for R-DJB/R-6**

Mr. Siddharth Panda, Adv. for R-7 and 8

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

22.10.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 11014/2018

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

“a. Issue a writ of mandamus and/or any other appropriate suitable writ(s), order(s) and/or direction(s) to the respondents to remove encroachment, demolish illegal unauthorised construction raised over the government / public land i.e. land of Khasra Nos. 168/2 (Ml), 169 (5-9) and 176 (7-10) situated in the revenue estate of village Kotia Mahigiran, New Delhi, and after taking the actual possession of the government /public land, put the same to the proper use for the benefit of the public as per plan of the government and further protect the said land which is being gradually grabbed by the respondents number 14 to 18 without having any kind of right, title and interest In the said land on the garb of unauthorise colony namely Radha Krishna Vihar, New Delhi.

(ii) Pass any other or further order which this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that the allegations in this writ petition is about several lands which are enumerated hereinabove, are not owned by the Respondent No.14 to Respondent No. 18. There are also allegations about the unauthorised constructions carried out by the Respondent No. 14 to Respondent No.18. It is submitted by counsel for the petitioner that there are illegal constructions including small hut type of constructions being used for commercial as well as residential purposes. Thus, it appears that this petitioner is in search of demolition of the aforesaid properties which are constructed on Government land.

3. This Court cannot decide the legality or otherwise of the construction nor any question of the ownership of the property can be gone into in this writ petition under Article 226 of the Constitution of India.

4. However, we direct the respondents to take all care of the properties in question and if the constructions are found illegal/unauthorised in nature, the same be demolished/removed by the respondents in accordance with law, rules, regulations and Government policy, after giving adequate opportunity of being heard to the owners/occupiers of the properties in question.

5. With these observations, this writ petition is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J.

OCTOBER 22, 2019/kr