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

Date of Decision: 24.09.2019

+ W.P.(C) 11250/2018

COURT ON ITS OWN MOTION

..... Petitioner

Through: Court on its own motion.

versus

DELHI COUNCIL FOR CHILD WELFARE (NGO) & ORS.

..... Respondents

Through: Mr. Rajesh Ranjan with Mr. Shivkant Arora & Ms. Rinky Ranjan, Advs. for R-1.

Mr. Rakesh Kumar with Mr. Raghav Nagar, Advs. for UOI.

Mr. Sanjay Dewan with Ms. Nishima Arora & Ms. Shivani Pruthi, Advs. for R-3.

Mr. Ravi Prakash Mehrotra with Mr. Ankit Agarwal & Mr. Amartya Singh, Advs. for R-5.

Mr. Rajiv Bansal, Sr. Adv. with Ms. Mansi Bajaj, Ms. Nidhi Tyagi & Ms. Parul Panthi, Advs. for R-6/DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (Oral)

1. This writ petition has been initiated by this Court on its own motion because of the complaint filed by a citizen about the unauthorized construction by respondent No.1.
2. We have heard the learned counsels appearing for the respondents.
3. Learned counsel appearing for respondent No.1 submitted that detailed

counter affidavit has been filed and it has been stated in paragraph 1 at Page No.31 as under:

“1. It is submitted that the answering Respondent started with the good offices of Smt Raj Kumari Amrit Kaur, the then Health Minister of Govt. of India, and Mrs. Rajan Nehru. The said land was allotted/handed over to the said organization sometime in 1948 when child welfare program was started by the organization from the said premises. The organization continued as association of persons for almost 15 years, after which Delhi Council for Child Welfare was registered as society under the Societies Registration Act 1960. Copy of the registration certificate dated 16.05.1963 has been annexed herewith and annexed as ANNEXURE-R2 (Page__ to 21).”

4. In view of the aforesaid submissions and also looking to the averments made in the counter affidavit, it appears that respondent No.1 is in possession of the property in question since 1948.

5. We, therefore, direct the North Delhi Municipal Corporation to look into the claim of the respondent No.1 and if the said property is illegally constructed, the same shall 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 respondent No.1.

6. It ought to be kept in mind by the North Delhi Municipal Corporation that if there is any dispute about the title of the property in question, the same shall be decided by the Competent Civil Court and not by the officers of the North Delhi Municipal Corporation.

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

CHIEF JUSTICE

SEPTEMBER 24, 2019/kks

C.HARI SHANKAR, J