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

Date of Decision: 29.07.2019

+ W.P.(C) 9354/2017 & CM APPL.38180/2017

HAROON KHAN Petitioner

Through: Mr. Sudhir Kumar Sharma, Adv.

versus

THE LIEUTENANT GOVERNOR OF DELHI & ORS

..... Respondents

Through: Mr. Satyakam, ASC for GNCTD

Mr. Rakesh Mittal, Standing Counsel with

Ms. Yamini Mittal & Mr. Ajay Harshana, Adv. for
North Delhi Municipal Corporation

Mr. Rajiv Kumar Ghawana & Ms. Akshita

Chhatwal, Adv. for R-5 & R-6

Mr. V.P. Rana & Ms. Pooja Wason, Adv. for R-9.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This so called public interest litigation has been preferred with the following prayers:

“a) Issue a writ in the nature of mandamus or any other appropriate writ or directions directing the Respondent Nos.1 to 4 to restrain the Respondents No.5 to 8 from their illegal actions of carving out the plots for residential and commercial purposes in the agricultural land falling in khasra No.88/1(1-0), 88/2(0-10), 88/2 (1-10) and 88/2(3-12), total measuring 6 Bighas and 12 Biswas of village Bhalswa Jahangir Pur, situated at 60 Ft. Road, Swaroop Nagar (near DDA Fiats), Delhi and further unauthorized and illegal construction in the aforesaid agricultural land may kindly be ordered to be stopped;

- b) Issue a writ of mandamus or any other appropriate writ or directions directing the Respondent Nos.1 to 4 to demolish the illegal and unlawful constructions in the land in question and after removing the such illegal construction, the said land to be restored for the agriculture purpose ; and*
- c) Pass any other or further orders as may be deemed fit and proper in the facts and circumstances of the present case.”*

2. Having heard counsels for both the sides and looking at the facts and circumstances of the case, it appears that this is not a public interest litigation at all. In fact, it is a private interest litigation. The allegations have been levelled against respondents No.5 to 8 for the usage of the residential plots for commercial purposes in an agricultural land etc. at the places as mentioned in the memo of prayer of the writ petition, as stated hereinabove.

3. It appears that this is absolutely a private interest litigation and hence we see no reason to entertain this writ petition as a public interest litigation. The concerned authorities have all power, jurisdiction and authority to take action in accordance with law for demolition of the unauthorised construction in existence, if any, in accordance with law and after giving the owner/occupier of the premises mentioned in the writ petition adequate opportunity of being heard.

4. With the aforesaid observations, this writ petition is hereby dismissed. Pending application also stands disposed of.

CHIEF JUSTICE

JULY 29, 2019/ns

C.HARI SHANKAR, J