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

+ **W.P.(C) 10920/2017 & CM APPL.35812/2018**

**FIGHT FOR HUMAN RIGHTS** ..... Petitioner  
Through: Ms. K.R. Chitra, Adv.

versus

**DEPUTY COMMISSIONER, SOUTH DELHI MUNICIPAL  
CORPORATION AND ANR.** ..... Respondents

Through: Mr. Swastik Singh, Adv. for SDMC  
Mr. Rajiv Bansal, Sr. Adv. with Mr. Faizal  
Naseem, Ms. Parul Panthi & Ms. Shweta Saini,  
Advs. for R-2/DDA

Ms. Mini Pushkarna, Standing Counsel, East DMC  
with Ms. Shiva Pandey & Ms. Swagata Bhyan,  
Advs. for R-3.

Mr. Satyakam, ASC, GNCTD for R-4

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

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**03.07.2019**

This so called public interest petition has been preferred with the following prayers:

*“a) Issue appropriate directions, orders in the form of Writ of Mandamus directing the respondent to forthwith remove demolish illegal Construction in the form of temples existing below Nirman Vihar Metro Station, Vikas Marg, New Delhi as shown in Annexure-P-6 and Shiva Temple Adjacent to D.T.C. Bus Stop in Defence Colony (Homoepathic College), New Delhi and temple existing near Sarita Vihar Metro Station.*

*b) Further direct respondent No. 1 & 2 to initiate all necessary steps to stop and discourage illegal Constructions*

*and encroachment on Public Land.*

*c) Any other or further order as this Hon'ble Court deems fit and proper may also be passed in the interest of justice and equity."*

Having heard both the sides and looking to the facts and circumstances of the case, it appears that mainly this matter has been preferred for removal of unauthorizedly constructed religious structures. Specific places have also been mentioned, as for example small temple constructed below the Nirman Vihar Metro Station and Shiva temple adjacent to DTC Bus Stop in Defence Colony etc.

Keeping in view the facts of the case, it appears that whether the construction is legal or illegal can very nicely be decided by the respondents if at all they have constituted any religious committee or any competent authority for the said purposes. We hereby direct such religious committee or competent authority, if at all it is specifically constituted to decide the legality or otherwise of the constructions and if at all it is illegal, the necessary steps shall be taken by the respondents in accordance with law, after giving adequate opportunity of being heard to the encroachers/offenders.

With this observation, this writ petition is disposed of. Pending application also stands disposed of.

**CHIEF JUSTICE**

**JULY 03, 2019/ns**

**C.HARI SHANKAR, J**