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

Date of Decision: 30.07.2019

+ W.P.(C) 11410/2015

JAGPAL SINGH

..... Petitioner

Through: Mr. Sunil Choudhary, Ms. Preeti
Shah & Mr. Dhananjay Sinha, Advs.

versus

GOVT OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Naushad Ahmed Khan, ASC
(Civil), GNCTD with Ms. Manisha Chauhan, Adv.
for GNCTD
Mr. Dhanesh Relan, Standing Counsel with
Ms. Gauri Chaturvedi, Adv. for DDA
Mr. Parvinder Chauhan, Standing Counsel with
Mr. Nitin Jain, Adv. for DUSIB

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This writ petition has been preferred with the following prayers:

“a) Issue a writ of mandamus or any other similar writ, order or direction, thereby commanding the respondents to clear the encroachments and clean the Village Pond situated in Mustil No.24 Khasra No. 20(4-16) 21(4.0) in the revenue estate of Village Badar Pur, District South East, Tehsil Kalkaji, New Delhi; and

b) Issue a writ of mandamus or any other similar writ, order or directing commanding the officials of respondent to prevent disposal and collection of garbage in the said pond; and

c) Issue further directions to the respondents to maintain the said pond in a good state by ensuring that the pond receives

only clean water and does not get converted into a garbage disposal ground; and

d) Pass such other and further orders as deemed necessary and expedient in the matter.”

2. Having heard the counsels for both sides and looking into the facts of the case, it appears that there are some encroachments at village pond situated in Mustil No.24, Khasra No. 20(4-16) 21(4.0) in the revenue estate of village Badar Pur, District South East, Tehsil Kalkaji, New Delhi.

3. Having taken note of the counter affidavit filed by respondent No.2 – Delhi Development Authority, we hereby direct respondent No.2 – Delhi Development Authority to remove the encroachments in accordance with law, rules, regulations and government policy applicable to the facts of the present case after providing an adequate opportunity of being heard to the owners/occupiers of the super structures at the said premises, as early as possible and practicable. Necessary police force shall be provided to respondent No.2 by the respondent No.1 for taking the necessary action for removal of encroachments as and when requested by the respondent No.2 to respondent No.1.

4. With the aforesaid observation, we hereby dispose of this writ petition.

CM APPLs.54063-54064/2018

5. In view of the order passed in W.P.(C) 11410/2015, both the applications also stand disposed of.

CHIEF JUSTICE

JULY 30, 2019/ns

W.P.(C)11410/2015

C.HARI SHANKAR, J

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