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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 06.01.2020

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W.P.(C) 18/2020

SH. HIMANSHU

..... Petitioner

Through: Mr. Anshul Garg, Adv.

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
with Mr. Mayank Ahuja, Adv. for EDMC
Mr. Dhanesh Relan, Standing Counsel with
Ms. Komal Sorout & Ms. Kajri Gupta, Adv. for
DDA

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

C.M.No.55/2020 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 18/2020

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

“i) Issue an appropriate writ thereby directing the Respondents to take action against the concerned officials who have allowed the illegal/unauthorised construction on the following properties:-

A) Property / plot, adjoining to the Plot No. B-14 (A to Z Medical Store), Opposite Goyal Medical Store, Main Loni Road, Delhi-32;
B) Property /plot, adjoining to the Plot No. B-15 (Maa Durga Telecom), West Jyoti Nagar, Loni Road, Delhi-32;
C) Property /plot bearing no. C-73 (Area 200 Sq. Yds. Approx.) Gali No. 7, West Jyoti Nagar Extension, Delhi;
ii) Issue an appropriate writ thereby directing the Respondents to remove the illegal encroachment /constructions on the aforesaid land earmarked for Public Park and Road in the area of West Jyoti Nagar, Loni Road, Delhi -32.”

2. Having heard the learned counsel appearing for both the sides and looking into the facts and circumstances of the case, it appears that there are allegations about the illegality or otherwise of the construction at the places mentioned hereinabove in the prayer clause.

3. We, therefore, direct the respondents to decide the legality and otherwise of the construction in question in accordance with law, rules, regulations and Government policy applicable to the facts of the present case, after giving an adequate opportunity of being heard to the owner/occupier of the super structure. If the respondents come to a conclusion that the construction in question is illegal, immediate action would be taken by them for demolition of the same.

4. With the aforesaid observation, this writ petition is hereby disposed of.

CHIEF JUSTICE

JANUARY 06, 2020/ns

C.HARI SHANKAR, J