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

Date of Decision: 06.01.2020

+ W.P.(C) 11/2020

SH. AVINASH CHAND GUPTA Petitioner

Through: Mr. Rama Shankar, Adv.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Abhigyan Siddhant & Mr. Shalirya Jain,
Advs. for UOI
Mr. Arjun Pant, Adv. for R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

C.M.No.38/2020 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C). No.11/2020

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

“i. That a writ of mandamus may kindly be issued in favour of the petitioner and against the respondents thereby directing the respondent no. 1 to 6 to remove the encroachment and demolish the unauthorized and illegal construction raised at the bed of Yamuna river measuring 450-500 Sq. Yds. Khasra no. 418-19, Near HR Public School, Joga Bai Extension, PS Jamia Nagar, New Delhi-110025, by the respondent no. 7.
ii. That a writ of mandamus may kindly be issued in favour of the petitioner and against the respondents thereby directing the respondent no. 1 to 6 to protect the land at the bed of Yamuna river from the further encroachment by the respondent no. 7 or by other encroachers, in order to protect the environment.
iii. Any other relief which this Hon'ble court deems fit and proper may kindly be passed in favour of the petitioner and against the respondents.”

2. Having heard the learned counsel appearing for both the sides and looking into the facts and circumstances of the case, it appears that this petitioner is in search of removal and demolition of the so-called unauthorised/illegal construction mentioned in the aforesaid prayers.

3. We, therefore, direct the respondents, especially respondent No.5 to look into the grievances of this petitioner and 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, and after giving an adequate opportunity of being heard to the owner and occupier of the super structure and if the same is found illegal, the same would be removed in accordance with law.

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

C.M.No.39/2020 (stay)

5. In view of the final order passed in W.P.(C) 11/2020, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 06, 2020
ns

