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

Date of decision: 31st January, 2020

+ **W.P.(C) 1139/2020**

SHRI ANAND KUMAR RANA AND ORS Petitioners
Through: Mr. N.S. Dalal and Mr. Manu Kharra,
Advs.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Jagjit Singh, Sr. Standing
Counsel-Railways with Mr. Preet
Singh and Mr. Vipin Chaudhary,
Advs.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **ORDER**
31.01.2020

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 1139/2020

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

“(i) *Issue an appropriate writ, order or direction thereby directing the Respondent No. I/Railway Authorities to get the encroachment removed which has been done by the Flood & Irrigation Department over its land situated in Village Khera Kalan as shown in the Site Plan annexed as Annexure P-3*

(Colly) and more particularly identified from the Points A 1 to A 2 and B 1 to B 2;

(ii) Issue an appropriate writ, order or direction thereby directing the Flood & Irrigation Department to shift the drain and Inspection Path to its own land after removing the encroachment from the land of the Railways;

(iii) Issue an appropriate writ, order or direction thereby directing the Flood & Irrigation Department to dismantle the culvert which has been illegally constructed over the railway track as the same is security hazard and the same has been shown in sky blue colour in Site Plan annexed as Annexure P-3;

(iv) Issue an appropriate writ, order or direction thereby directing the Govt. of N.C.T. of Delhi to construct the passage shown in green colour in the site Plan i.e. Annexure P-7, which was provided for during the Consolidation of Holding in the revenue estate of Village Khera Kalan, Delhi, after removing the encroachment;

(v) Issue an appropriate writ, order or direction thereby directing the Chief Secretary, Govt. of N.C.T. of Delhi, to hold an enquiry for inaction on the part of the officials of its Department and their act of allowing encroachment over the public land of Northern Railways and for also allowing the encroachment over the land which was acquired vide Award No.2217 of 1968 for the purpose of construction of drain;

(vi) *Pass any such other or further orders as this Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case, in favour of the Petitioners and against the Respondents."*

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that several grievances have been ventilated by the petitioner regarding so-called encroachment allegedly made by the Flood and Irrigation Department over the land belonging to Railway authorities. In our considered view, the Railways has its own legal department having several officers who are capable of protecting properties belonging to it. We therefore expect from the Railways that it will look into the instant matter and if it finds any encroachment over the land belonging to the Railways, necessary steps shall be taken for removal of the encroachments, in accordance with law, rules, regulations and Government policy applicable to the facts of the case.

3. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

JANUARY 31, 2020/kr