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

Date of decision: 4th February, 2020

+ W.P.(C) 1301/2020 and CM No.4521/2020

MUKESH KUMAR

..... Petitioner

Through: Mr. Pradeep Dewan, Sr. Adv.with Mr.
Vivek Sharma and Mr. Mitesh Vaid, Advs.

versus

EAST DELH MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr. Rajan Tyagi, Adv. for
R-1/East Delhi Municipal Corporation with
Mr. Paramveer, Ex. Engineer
Ms. Shobhana Takiar, Adv. for R-5/Govt. of
National Capital Territory of Delhi
Mr. Sanjeev Sagar, Standing Counsel-Delhi
Development Authority with Ms. Nazia Parveen,
Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **04.02.2020**

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM No. 4521/2020 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 1301/2020

1. This so called 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 illegally sanctioned the construction plan on the open space/land situated at West Jyoti Colony, in the area of Chhajjupur, Kabir Nagar, Shahdara, Delhi, adjoining to Guru Harkishan Public School, reserved for community facility;

(ii) Issue an appropriate writ thereby directing the Respondents to remove the encroachment on the open space/land situated at West Jyoti Colony, in the area of Chhajjupur, Kabir Nagar, Shahdara, Delhi, adjoining to Guru Harkishan Public School, reserved for community facility, in pursuance of the status report dated 29.11.2017 filed by the East Delhi Municipal Corporation in the W.P. (C) No.8435 of 2017;

(iii) Issue an appropriate writ thereby directing the Respondents to construct the community facilities as mentioned in the layout plan of Kabir Nagar, Chhajjupur, North & West Jyoti Nagar, Delhi, sanctioned in the year,1992;

(iv) Issue an appropriate writ thereby directing the Respondents and other concerned authorities, not to entertain any application/ representation to sanction the site plan for construction before the regularization of the colony, in

pursuance of the Order dated 17.04.2018 passed by this Hon'ble Court in W.P. (C) No.8435/2017;

(v) Issue an appropriate writ thereby directing the respondent no. 7 to take step to stop the encroachment and illegal construction upon the open space/land situated at Westjyoti Colony, in the area of Chhajjupur, Kabir Nagar, Shahdara, Delhi, adjoining to Guru Harkishan Public School, reserved for community facility

(vi) PASS any other order or orders as this Hon'ble Court may deem fit under the circumstances of this case.”

2. Having heard learned Senior Counsel for the petitioner and learned counsel for the respondent and looking to the facts and circumstances of the case, it appears that this petitioner is in search of an order or direction from this court to concerned respondent authorities to initiate action against the officer who has permitted the illegal construction and also for the demolition of the illegal construction in question, as mentioned in the aforesaid prayers of the petitioner.

3. It appears that earlier also a writ petition bearing W.P.(C) 6393/2018 was preferred for the demolition of the illegal construction. In the said writ petition, an order dated 3rd October, 2018 has been passed by this court whereby this court has directed constitution of a special task force, to arrive at a conclusion about the legality or otherwise of the construction and to verify the facts. This process is already going on.

4. Thus, the special task force is already working to find out the facts whether the construction is illegal. Thus, the process of determination of the

legality or otherwise of the construction is going on before the special task force. Hence, we see no reason to entertain this writ petition as the same is pre-mature in nature and the same is therefore dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J.

FEBRUARY 04, 2020/kr

