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

Date of decision: 4th March, 2020

+ W.P.(C) 2507/2020 and CM Nos. 8788, 8789/2020

SONU DEVI

..... Petitioner

Through: Mr. Satyanand, Adv.

versus

ADDITIONAL MANAGING DIRECTOR, (IGL) & ORS.

..... Respondents

Through: Mr. Abhimanyu Garg, Adv. with Mr. Karan Malik, Dy. Manager (Legal)

Ms. Mini Pushkarna, Standing Counsel-Delhi Urban Shelter Improvement Board/R-2 and 3 with Ms. Swagata Bhuyan, Ms. Khushboo Nahar, Ms. Latika Malhotra, Advs. with Mr. Rajinder Kumar, Deputy Director-Institutional Allotment (DUSIB) Mr. Viplav Acharya, Adv. with Mr. V. Satish Kumar, Deputy Director-Horticulture (North MCD)

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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04.03.2020

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM No. 8788/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 2507/2020

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

“Under facts are circumstance of the case it is most respectfully prayed that your lordship may kindly graciously be pleased to order to stop illegal construction in the park which are illegal, arbitrary, discriminatory, unjust, unwarranted and without jurisdiction and in violation of master plan 2021, that no construction allowed in any park. CNG/IGL never be allowed in any park. CNG/IGL is allowed in every zone of industrial area other than residential area. Following certificates may kindly be put up before the Hon'ble court and a copy of the same to the petitioner: -

- 1. Put up approval Certificate of L.G. Delhi, regarding CNG in the park.*
- 2. Put up permission the Change of use of land for GNC in the Park.*
- 3. Put up tree cutting permission, Pollution control permission and Fire department NOC.*
- 4. To put up before the Hon'ble Court, Copy handing our land from MCD to DUSIB.*
- 5. Modification of the lay out plan.*
- 6. Consent of the residents of the colony, since this the developed colony.*

7. Lay out sanction plan of CNG and petrol pump.

8.' Order of Hon'ble Court for police protection.

9. Demarcation of land with map of CNG. And petrol pump.

Otherwise who shall be responsible in the event of unwanted happening at the Petrol pump at Rajiv Gandhi park, nr. Flyover Mangol Purl, Delhi 83 being established attached residential area which should be established in industrial area.”

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 this petitioner about the so called illegal constructions at Rajiv Gandhi Park, near Flyover Mangol Puri, Delhi-83.

3. The legality or otherwise of the alleged illegal construction cannot be proved with the help of annexures and bare assertions. Cogent and convincing evidences are required to be led before the concerned authority or before the competent Trial Court.

4. In view of these facts, we hereby direct the concerned respondent authority to ascertain the legality or otherwise of the alleged illegal construction.

5. If the construction is found to be illegal, after giving an adequate opportunity of being heard to the concerned parties, the same shall be demolished or removed in accordance with law, rules, regulations and Government policy as early as possible and practicable.

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

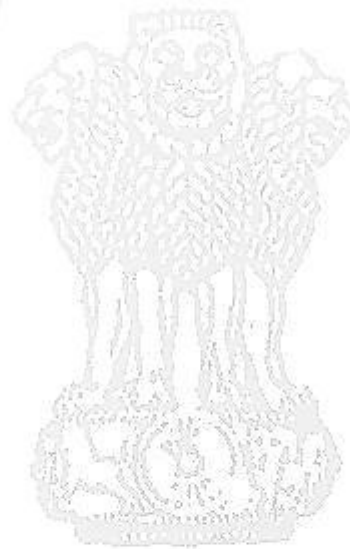
CM No. 8789/2020

1. In view of the disposal of the writ petition, this application also stand disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

MARCH 04, 2020/kr



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