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

Date of decision: 11th March, 2020

+ W.P.(C) 2710/2020 and CM No.9403/2020

SHRI ANIL KUMAR

..... Petitioner

Through: Mr. Paranjay Chopra, Adv.

versus

ARCHAEOLOGICAL SURVEY
OF INDIA & ORS

..... Respondents

Through: Mr. Anil Soni, CGSC with Mr.
Devesh Dubey, Adv. for respondent
no. 1

Mr. Ajay Digpaul, Mr. Soumava
Karmakar and Mr. Aaryan Verma,
Advs. for respondent no. 2

Mr. Kushagra Pandey, Panel Counsel
(Civil) for GNCTD

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **11.03.2020**

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 2710/2020

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

“a) Issue appropriate writ(s), order(s) or direction(s) in the nature of a writ of mandamus thereby directing the respondent No.1,2 and 4 to immediately take appropriate steps in accordance with law to stop and demolish the illegal and unauthorized construction work being carried out by the respondents No.3 and to prevent further unauthorized construction by respondent No. 3 in the property in question i.e.

Royal Enclave-1, 29-D/1, Ward No1, Mehrauli, New Delhi-110030;

b) Pass any other and further order as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Having heard learned counsel of both the sides and looking to the facts and circumstances of the case, it appears that several grievances have been ventilated by the petitioner about the so-called unauthorised construction by respondent no. 3 at Royal Enclave-1, 29-D/1, Ward No1, Mehrauli, New Delhi-110030.

3. Counsel appearing for the respondent no. 2 submits that for the aforesaid construction in question, notice has been issued under Section 343(1) of the Delhi Municipal Corporation Act and the action has already been initiated by the respondent no. 2. In view of these submissions, we hereby direct the respondent no. 2 to decide the legality or otherwise of the construction of the premises in question. If the construction is found illegal, after giving an adequate opportunity of being heard to the occupier/owner of the premises in question, demolish the same in accordance with law, rules, regulations and Government policies as applicable to the facts of the case.

4. With these directions, this writ petition is hereby disposed of.

CM Appl. No. 9403/2020

In view of the order passed in the writ petition, this application is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

MARCH 11, 2020/r.bararia