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

+ W.P.(C) 4119/2020 & CM No. 14783/2020

SHYAM KUMAR & ORS.

..... Petitioners

Through: Mr. Mohan Shyam Arya, Mr. Bharat Sareen, Mr. Sudhir Kumar & Mr. Anish Shreshtha, Advs.

versus

EDMC & ANR.

..... Respondents

Through: Mr. Tushar Sannu & Mr. Harish Khinchi, Advs

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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10.07.2020

1. The hearing was conducted through video conferencing.
2. Issue notice.
3. Mr. Tushar Sannu, learned counsel accepts notice on behalf of the respondent.
4. At joint request the petition is taken up for disposal.
5. This petition seeks the following reliefs:

“.... a. Issue an appropriate order(s) in the nature of mandamus and/or any other writ for immediate direction to respondent no.1 & 2 to not to demolish the houses of the petitioner during the Covid-19 Pandemic.

b. Issue the appropriate writ directing the concerned department to arrange and provide facilities to the people/petitioners whose houses have been demolished by the respondent no.1 & 2.

c. Pass an order or direction in favour of the petitioner to give reasonable time to take recourse of the legal

proceedings available to the petitioner:

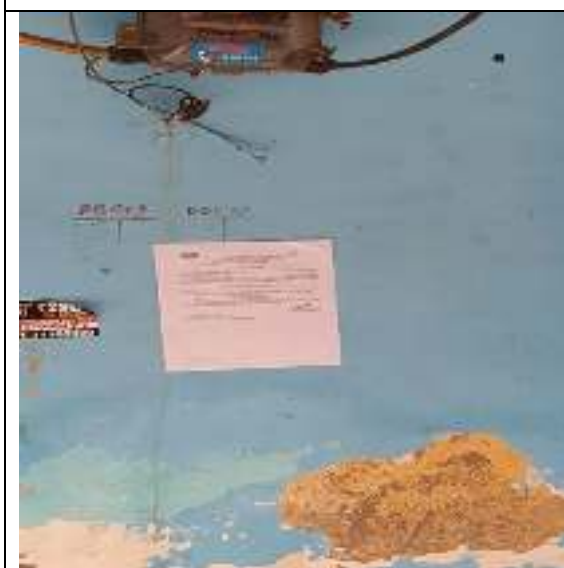
d. Pass an order or direction to give time to the petitioner to arrange some alternative accommodation to the family of the petitioners.

e. Pass such other or further order(s) which this Hon'ble Court may deem fit and proper in the light of the above averments and to secure the ends of justice....”

6. The learned counsel for the respondent- East Delhi Municipal Corporation states, upon instructions, that:

- i. whatever demolition action had to be taken has already been taken in terms of this Court's order passed in Contempt Case No. 58/2020 and an extensive demolition action was carried out to remove encroachments from public land i.e. from the service lane of a disused Canal Road (PWD Road);
- ii. the owners/occupiers of the unauthorised buildings/structures were served notices by the Corporation on 19.06.2020 but they for reasons best known to them they have approached the court after twenty days and that too after the demolition action is over;
- iii. the demolition exercise has been concluded and no further demolition action is contemplated either today or in the foreseeable future. Therefore, nothing survives in the matter.

7. The learned counsel for the Corporation has showed to court photographs of the demolition carried out and the same are taken on record. The notices which were pasted on the alleged unauthorised structures/houses have also been shown in the photographs. Some of the photographs are reproduced as under:





8. The court gave time to the learned counsel for the petitioners to obtain instructions if the petitioners' houses were intact or had been demolished. They were unable to obtain this fundamental information. The writ petition seeks stoppage of demolition action of the petitioners' dwelling houses for a few weeks so that they could arrange alternate accommodation, especially in these pandemic constrained

circumstances. The Corporation says all demolition action is over and nothing further is to be demolished in the area or in terms of the large number of notices issued by it. If the petitioners' houses are intact then they are secure by the Corporation's aforesaid i.e no further demolition is planned. However, if the houses have been demolished, then the suit property does not remain and the writ petition becomes infructuous. At best, this petition shall be treated as the petitioners' representation by the Corporation, apropos any surviving cause of action. The Corporation's response thereto shall be communicated to the petitioners, through their counsel by 15.07.2020.

9. The petition stands disposed off in the above terms.

10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 10, 2020/kk