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

Date of Decision: 21.01.2020

+ W.P.(C) 4709/2019

SATGHARA DHARAMPURA RESIDENTIAL WELFARE
ASSOCIATION (REGD.)

Petitioner

Through: Ms. Manish Sharma, Adv.

versus

STATE GOVERNMENT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Siddarth Agarwal, Adv. for
Ms.Sandhya Kohli, Adv. for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice (Oral)**

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

*“i. Issue a Writ/ Order, directing the Respondent Nos. 1 and 2 to file status report in respect to the said properties as mentioned in Para 8 of the present petition; and
ii. Issue a Writ/ Order, directing the Respondent Nos. 1 and 2 to take action against all unauthorized construction in the said properties as mentioned in Para 8 of the present petition; and*

iii. Issue a Writ/ Order, directing an independent agency like CBI/Anti Corruption Bureau to investigate the officers on duty in whose tenure the said illegal constructions took place/ are taking place; and/ or
iv. Issue, any other Writ, Order, Direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Counsel appearing for the petitioner submitted that as per para 8 of this writ petition, there are several illegal constructions carried out by respondents No.3 to 11 and the same are required to be demolished. The details of these constructions have been mentioned in para 8 as well as in Annexures B, C, D, E, etc. of the writ petition.

3. Having heard learned counsel for both sides and looking to the facts and circumstances of the case, it appears that the issue involved in this petition is primarily regarding demolition of illegal structures. The legality or otherwise of the constructions in question cannot be decided on the basis of annexures. Cogent reasons and valid evidences are required to be led by the petitioner before the concerned respondents.

4. We hereby direct respondent No.2 to decide the legality or otherwise of the constructions in question, after giving adequate opportunity of being heard to the owners/occupiers of the properties as mentioned in para 8 of this writ petition. If the constructions are found illegal, the requisite action shall be taken in accordance with law, rules, regulations and Government policy applicable to the facts of the present case as early as possible and practicable.

5. With the aforesaid observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 21, 2020
ns

