

\$~A-27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10062/2019
RATTAN PRAKASH Petitioner
Through Mr.Arun Kumar Kaushik, Adv.

versus

SDMC THROUGH ITS CHAIRMAN & ORS Respondents
Through Ms.Ruchi Jain, Adv. for R-1/SDMC.
Mr.Naveen Kumar Raheja, ASC with
Ms.Meenakshi Jha, Advocate for
R-5/DDA.
Mr.Ankit Jain, Adv. for R-6.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
05.03.2020

1. This writ petition is filed by the petitioner seeking a direction to respondents No.1 to 5 to remove the illegal and unauthorised encroachment over the public road/street/rasta raised by respondent No.6 who has allegedly encroached upon 8 ½ ft. public road/street/rasta by expanding the boundaries of his house.
2. I may point out that respondent No.6 has filed a counter affidavit. In the counter affidavit, it has been pointed out that the petitioner and respondent No.6 are relatives and a civil litigation/dispute is pending between them. It is pleaded by the learned counsel for respondent No.6 that the present writ petition is a motivated petition and an extension of the civil dispute pending between them.
3. The respondent/SDMC has filed a status report. In the status report, it is stated that in order to ascertain the unauthorised construction/

encroachment upon the public road/street, the concerned field staff of the Building Department inspected the same. However, the width and dimension of the public road is narrow. Reliance is also placed on a report of the concerned Revenue Department, Govt. of NCT of Delhi. In the said report, it is stated that Revenue Department has also inspected the said street and submitted a report. In the said report, it is submitted that it is appropriate to get the demarcation done in such/appropriate manner so that encroachment can be quantified and clarified.

4. It is apparent that there is no clarity as to what area is allegedly encroached upon by respondent No.6. If any area is encroached upon by respondent No.6, it would be for the petitioner to approach the concerned Revenue Department/SDM/Tehsildar by an application for demarcation of the public road/street and to complete requisite formalities. In case, such an application is filed, the Revenue Authority will take appropriate steps within three months from the date of receipt of such application. On receipt of the report, SDMC will take steps as per law.

5. In case, respondent No.6 is found encroaching upon public land/street, liberty is granted to the petitioner to recover the costs of demarcation from respondent No.6 by initiating appropriate proceedings.

6. With the above direction the present petition is disposed of.

JAYANT NATH, J.

MARCH 05, 2020/v