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

Date of decision: 23rd January, 2020

+ W.P.(C) 11404/2019

DEVENDER SINGH

..... Petitioner

Through: Mr. Vardhman Kaushik and
Mr. Sangkrito Ray Chaudhuri, Advs.

versus

THE SECRETARY DEPARTMENT OF ENVIRONMENT AND
FOREST, GOVT OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Rishikesh Kumar,
Mr. Rizwan and Mr. Apoorv Singhal, Advs. for R-
1, 2 and 3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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23.01.2020

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 11404/2019

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

“a. Issue a Writ of Mandamus directing the Respondents to identify and remove all the illegal encroachments on the Khasra Nos where water bodies were situated in the villages of

Asola, Shahurpur, Satbari, Chatterpur, Dera Mandi, Gadaipur, Fatehpur beri, and Chandanhulla in Saket, Dist. South District as detailed in para 2 and 18;

and

b. Issue a Writ of Mandamus directing the Respondents to submit a status report on the current situation of water bodies mentioned in Annexure P-11.

c. Issue a Writ of Mandamus directing the Respondents to replenish the water bodies on Khasra Nos and areas surveyed and mentioned in Annexure P-11.

d. Pass any other orders/directions that this Hon'ble Court may deem fit.”

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that this petitioner has ventilated several grievances about the illegal on the water bodies situated at Village Asola, Shahurpur, Satbari, Chatterpur, Dera Mandi, Gadaipur, Fatehpur Beri and Chandanhulla in Saket South District as also mentioned in paragraph 2 to 18 of this writ petition.

3. Looking to the facts and circumstances of the case, we hereby direct the concerned respondent authorities firstly to ascertain as to whether the alleged constructions, which are mentioned in para nos. 2 to 18, are in fact on the water bodies or not.

4. The legality or otherwise of the construction shall be decided by the respondents in accordance with law and after giving an adequate opportunity of being heard to the concerned parties.

5. If the respondents arrive at a conclusion that the alleged encroachments are upon water bodies, the same shall be removed by the concerned respondent authorities in accordance with law and after giving an adequate opportunity of being heard to the concerned owners/occupiers of such superstructures. This exercise will be completed as early as possible and practicable.

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

CHIEF JUSTICE

C.HARI SHANKAR, J.

JANUARY 23, 2020/kr

