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

% Date of Decision : 8th January, 2021

+ W.P.(C) 263/2021

ASHISH TIWARI

.....Petitioner

Through: Mr. Om Prakash Aggarwal, Advocate

versus

NORTH MUNICIPAL CORPORATION OF DELHI

& ANR.

.....Respondents

Through: Ms. Beenashaw N. Soni, Standing Counsel, with Ms. Mansi Bhatia, Advocate for R-1/NDMC.

Mr. Kirti Uppal, Sr. Advocate with Mr. Sidharth Chopra and Mr. Aditya Awasthi, Advs for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

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

Proceedings in the matter have been conducted through video conferencing.

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

“(a) Issue an appropriate writ by directing the Respondent No.1 to booked the entire premises, which bearing MCD No.1395-1396, Main Road, Chandni Chowk, Katra Nagin Chand, Delhi-110006 as shown in the photographs.

“(b) Issue an appropriate writ by directing Respondent No.1 to remove the entire illegal and unauthorised construction of Property No.1395-1396, Main Road, Chandni Chowk, Katra Nagin Chand, Delhi-110006 as shown in the photographs and

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further to get the possession of the encroaching part in the premises which is over the Public Land.

(c) Issue an appropriate writ by directing the Respondent No.1 to register the case against Respondent No.2 in respect of encroachment over Public Land by Respondent No.2 as well as in respect of raising illegal and unauthorised construction and further open the hotel on Ground Floor, First Floor and Second Floor without any proper licence of MCD and proper permission from fire department as well as from LG for opening the hotel.”

2. Having heard learned counsels for the parties and looking to the facts and circumstances of the case, it appears that there are allegations and counter allegations with respect to the legality or otherwise of the construction in the premises in question in the writ petition.

3. In view of the aforesaid, we hereby direct Respondent No.1 to take a decision with respect to the alleged illegal construction in the concerned premises. Needless to state that the decision shall be taken in accordance with law, rules, regulations and Government policies, applicable to the facts of the case, as early as possible and practicable and after giving an adequate opportunity of being heard to all the concerned parties including Respondent No.2. In case the construction is found to be illegal, Respondent no.1 shall take necessary steps to remove / demolish the same, in accordance with the law.

5. With these observations, the writ petition is disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

JANUARY 8, 2021/sr

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