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

% *Date of Decision: 17th January, 2022*

+ W.P.(C) 1003/2022

GANESH SINGHAL Petitioner

Through Petitioner in person.

versus

GOVT OF NCT OF DELHI AND ORS Respondents

Through Mr. Rishikesh Kumar, Additional
Standing Counsel for R-1&2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

Proceedings have been conducted through video conferencing.

CM APPL. 2851/2022 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1003/2022

1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

“(i) issue an appropriate Writ(s) or order(s) or direction(s) to the respondents to demolish the illegal and unauthorised construction over the Govt. land / road straight upto 100 Fts. as per approved Site Plan of Govt. of NCT of Delhi of G.T.B. Nagar to Burari Bye-Pass i.e. Shanti Swarup Marg, Delhi;



(ii) issue an appropriate Writ(s) or order(s) or direction(s) to the respondents to take the possession of the Road straight upto 100 Fts. As per approved Site Plan of Govt. of NCT of Delhi of G.T.B. Nagar to Burari Bye-Pass i.e. Shanti Swarup Marg, Delhi, from the encroachers / land grabbers etc.

(iii) Any other order(s) or direction(s) which this Hon'ble Court deem fit just and proper in view of the facts and circumstances of the case in favour of the petitioner in the interest of justice."

2. We have heard the Petitioner, who appears in person and learned counsel appearing on behalf of Respondents No. 1 and 2. Petitioner seeks directions to the Respondents to demolish the unauthorised construction/ encroachment on the Government land/road, as detailed in the writ petition.

3. It is a settled law that disputed questions of fact or appreciation of evidence with respect to legality or otherwise of a construction cannot be adjudicated in a writ jurisdiction, which requires evidence in the form of documents, site plans, sanction plans, etc. By merely looking into the documents and representations annexed to the present petition, it is not possible for this Court to conclude regarding the illegality of the construction or the alleged encroachment. We thus see no reason to entertain the present petition.

4. Nonetheless, considering the fact that the Petitioner has alleged that there is unauthorised construction and large-scale encroachment on the Government land which, according to him, is leading to massive traffic jams and other related problems for the residents in the area, we deem it fit to direct the concerned Respondents to treat the present writ petition as a representation and look into the grievances ventilated by the Petitioner.



Needless to state that the decision shall be taken by the concerned Respondents in accordance with law, rules, regulations and Government policies applicable to the facts and circumstances of the case and after giving adequate opportunity of hearing to the owners/occupiers of the land/road in question and/or other stakeholders.

5. It is further directed that in case the concerned Respondents find that there is unauthorized construction or illegal encroachment, the same shall be demolished/removed by the concerned Respondents, without any delay.

6. With these observations and directions, the writ petition is hereby disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

JANUARY 17, 2022

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