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

% Date of decision: 22nd August, 2024

+ W.P.(C) 4384/2023

RESIDENTS DEVELOPMENT AND WELFARE GROUP

.....Petitioner

Through: Mr. Randhir Lal Sharma,
Mr. Shubham Singhal and
Mr. Ashwani Kumar, Advocates

versus

DELHI DEVELOPMENT AUTHORITY AND ANR.

.....Respondents

Through: Ms. Kritika Gupta, Advocate for
Mr. Sanjay Katyal, SC for DDA.
Mr. Vikas Chopra, Standing
Counsel for MCD with
Ms. Anita R Mishra, Advocate.
Ms. Hetu Arora Sethi, ASC
GNCTD, Mr. Arjun Basra,
Advocate for R-2 (Delhi
Police).

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

1. Having heard the learned counsels for the parties, the present writ petition comes up for final disposal.
2. The petitioner is invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, thereby seeking the following reliefs:

(A) Issue a writ, order or direction in the nature of Mandamus or any other similar writ, order or direction, directing Respondent No.



1 to implement the recommendations made in the meeting of the Religious Committee held on 19.12.2022 and to conduct complete demolition of the encroached land on Govt. Land as per the said Recommendations in DDA Site No. 1, New Rajendra Nagar, Delhi;

(B) Issue a writ, order or direction in the nature of mandamus or any other similar writ, order or direction, directing Respondent No. 2 to provide the requisite protection to the officials of Respondent No. 1 to enable them in conducting the requisite demolition of encroached properties as per the Recommendations;

(C) Issue a writ, order, or direction in the nature of mandamus or any other similar writ, order, or direction, directing Respondent No. 2 to remove the encroachers from the encroached Govt. land worth Rs. 100 crores, being the antisocial elements who are responsible for the said encroachment and have threatened the members of Petitioner Group;

(D) Issue a writ, order or direction in the nature of mandamus or any other similar writ, order or direction, directing Respondent No. 3 to permanently close the Unauthorized Entry Gate (not as per Layout plan) of the Colony Park (Ambedkar Park) from Shankar Road in DDA Site no.1, New Rajinder Nagar, New Delhi;

3. Shorn of unnecessary details, the petitioner claims itself to be a group of law-abiding citizens/members of the society and state that they have a moral responsibility to bring to the notice of the Court the chances of abuse and harassment by antisocial elements, who have encroached upon the Government land worth Rs.100 crores, spent by respondent No.1 and the antisocial elements have been placing the religious idols in small rooms and in the basement around the periphery of the colony park, interfering in demolition proceedings in the garb of religious sentiments besides carrying out unauthorized encroachment and raising illegal structures around the colony park located at the Delhi Development Authority ['DDA'] Site No.1, Shankar Road, New Rajinder Nagar, Delhi.



4. Suffice to state that since the filing of the present writ petition on 10.04.2023, several interim orders have been passed and a few status reports with respect to the steps/measures undertaken for removal of unauthorised encroachment as well as unauthorized structures, have been filed by respondent No.3/MCD. Eventually, *vide* order dated 24.07.2023, it was recorded by this Court that in so far as prayer (a), (b) and (c) are concerned *qua* the DDA, the same stands satisfied.

5. Learned counsel for the petitioner with regard to relief (d), claimed in the writ petition, urged that as per the layout plan, there were *three entry gates to the colony park* and alluding to the site plan placed on the record by way of additional documents, it is pointed out that two unauthorized gates have been brought about to gain access to the colony park from the side of Doctor Ks Krishnan Marg, which results in antisocial elements intruding inside the park and indulging in consumption of alcohol and drugs, creating public nuisance and posing threats to the life and liberty of the members of the area who visit the colony park.

6. Learned counsel for respondent No.3/MCD alludes to its status report dated 29.04.2024 *inter alia* pointing out that the budgetary allocation is being sought for repair/erection of the walls around the park. It is pointed out that a meeting of all the stakeholders had taken place on 29.03.2024 in terms of the directions passed by this Court, and consequent thereto, the encroachment over the land and boundary wall have been removed and the damaged boundary walls due to unauthorized encroachments are being repaired/reconstructed. At the



same time, it was submitted that the park in question is not meant exclusively for the colony but for the general public in the neighbouring area.

7. All said and done, it was fairly conceded by learned counsels for the parties present that the entry/access gates to the park could only be used in terms of the layout plan.

8. Accordingly, the present writ petition is disposed of, thereby providing that respondents No.1 and 3 shall ensure that entry/access gates to the park beyond or in contravention of the layout plan, are closed within a period of six weeks from today.

9. The writ petition is accordingly disposed of.

DHARMESH SHARMA, J.

AUGUST 22, 2024
VLD