



2024 : DHC : 3853-DB



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

+ **W.P.(C) 6721/2024 & C.M.No.27977/2024**

SUDHIR BIDHURI

..... Petitioner

Through: **Mr.Atul Varma, Advocate.**

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: **Ms.Prabhsahay Kaur with Ms.Pragati Singh, Advocates for R-1/DDA.
Mr.Ajjay Aroraa with Mr.Vansh Luthra and Ms.Simran Arora, Advocates for MCD.
Mr.Arun Panwar, Advocate for R-3.
Mr.Gagandeep Singh with Ms.Neha Yadav and Ms.Kanika Garg, Advocate for R-4.**

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Date of Decision: 10th May, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present public interest petition has been filed seeking issuance of directions to the respondent nos. 1 to 3 to take immediate action against the illegal and unauthorized construction being carried at by respondent no.4 at Khasra No.22/2, District Park, Madan Pur Khadar, Sarita Vihar, New Delhi-110076. The Petitioner further prays for removal of the boundary wall as

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well as the unauthorized illegal construction being raised by the respondent no.4 at the aforesaid property.

2. Learned counsel for the petitioner states that respondent no.4 is carrying out illegal and unauthorized construction on government land without obtaining necessary approvals and in violation of sanction plans, in active connivance with the officials of respondent nos.1 to 3.

3. He points out that vide letter dated 18th January, 2023 written by the Assistant Engineer Building Central Zone (MCD), Lajpat Nagar, New Delhi to the SHO PS Sarita Vihar, New Delhi, the SHO was directed to take action under Section 344(2) of the DMC Act against the unauthorized construction being carried out at the aforesaid property and to immediately stop the same. He states that thereafter, a letter dated 25th February, 2023 was addressed by the S.H.O. PS Sarita Vihar to the Deputy Commissioner, MCD Central Zone, Lajpat Nagar, New Delhi informing the latter that unauthorized construction was going on at the aforesaid property and assuring provision of necessary police assistance as and when required.

4. Learned counsel for DDA, who appears on advance notice, states that the District Park of DDA is situated at Khasra Nos.22/3 and 22/4 and Khasra No.22/2 is not a part of the District Park.

5. Learned counsel for MCD states that aforesaid Assistant Engineer's letter as well as the SHO's letter pertain to another property owned by Mr. Hardeep which is situated opposite to the property complained of. He states that no illegal and unauthorised construction is being carried out by respondent no.4 at the site complained of.

6. Learned counsel for respondent no.4 states that present petition is a motivated one and has been filed as there is old rivalry between the



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petitioner and respondent no.4's families.

7. Since learned counsel for DDA and MCD state that no illegal and unauthorised construction or encroachment on public land is being carried out by respondent no.4, present writ petition along with the application is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

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