



\$~65

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

+ **W.P.(C) 7162/2024 & CM APPL. 29893/2024**

SURENDER KUMAR

.....Petitioner

Through: Mr. Roshan Lal Saini, Adv. with Ms. Kavita Saini and Mr. Diwakar Vats, Adv.

Versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. D.S. Mahendru, Adv. for R-1
Ms. Beenashaw N. Soni, SC for MCD
with Ms. Ann Joseph, Adv.
Mr. Mukesh Kumar, Adv. for R-4
Mr. Mohit Bhardwaj, Adv. for R-5

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

07.08.2024

1. The petitioner in the instant petition seeks the following reliefs:-

"In the light of the above averments made, it is therefore, most respectfully prayed by the petitioner herein that this Hon'ble Court may direct the respondents to get removed the encroachments on the public land/way, in the interest of justice.

Any other relief/order/direction in the facts & circumstances may also be passed."

2. The respondent-Corporation in its Status Report has submitted that the necessary action for removal of the encroachment has been taken

3. Paragraph Nos.4 to 7 of the Status Report reads as under:-



4. That considering the aforementioned relief so far as it pertains to answering Respondent - MCD is concerned, it is submitted that so as to ascertain the status of the subject site i.e. Public Land / way near 100 and 103, Village Adhichini, New Delhi, the same has been got inspected through area field staff of Maintenance Division -I of South Zone of Respondent - MCD vide dated 11/07/2024 and also referred to the record available with the department.

5. That on inspection encroachment in the shape of steel frame and tin-shade at subject site has been found / noticed. Taking note of the same, the Maintenance Division I of South Zone of Respondent - MCD fixed the encroachment removal programme for 22/07/2024 for which a police requisition letter dated 16/07/2024 was also sent to concerned, SHO PS Malviya Nagar, New Delhi. Copy of the police requisition letter dated 16/07/2024 is annexed herewith as Annexure - A.

6. That further, on 22/07/2024 the area field staff of Maintenance Division-I of South Zone of Respondent-MCD noticed that the alleged encroachment has already been removed by the owner/occupier himself. The photographs showing the status before and after removal of the encroachment of the site in question are annexed herewith as Annexure - B (Colly).

7. That moreover, it goes without saying that strict watch is being kept by the area field staff of Maintenance Division - I of South Zone of Respondent - MCD and immediate necessary action shall be taken expeditiously if any re-encroachment / fresh encroachment is noticed at the subject site."

4. Learned counsel appearing on behalf of the petitioner, however, places on record the rejoinder, whereby the stand taken by the respondent-Corporation has been controverted. He submits that as on 25.07.2024, there still remains some portion under encroachment.

5. The Court is of the considered opinion that looking at the stand taken by the respondent-Corporation the necessary steps for removing the encroachment have already been taken. If the petitioner has any further grievance, the petitioner is always at liberty to approach the Corporation or to approach the Special Task Force which has been constituted in pursuant to the directions passed by the Supreme Court vide order dated 24.04.2018



in the *M.C. Mehta v. Union of India*.

6. In case the petitioner takes necessary steps either approaching the Corporation or to STF, the concerned authority will take the necessary action, in accordance with law.

7. With the aforesaid observations, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 7, 2024

p'ma