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

+ W.P.(C) 10484/2024

MANOJ KUMAR

.....Petitioner

Through: Mr.M.S.Jadhav with Ms.Monika ,
Advocates.

versus

MUNICIPAL CORPORATION OF DLEHI & ORS.

.....Respondents

Through: Ms.Kushboo Nahar, ASC for R-
1/MCD.
Ms.Beenashaw Soni, ASC with
Ms.Mansi Jain and Ms.Sania Yusuf,
Advocates for R-2/DDA.
Mr.Ram Kumar with Mr.Sushil
Kumar and Ms.Rashmi Bhaduria,
Advocates for R-3/DUSIB.
Ms.Sangeeta Bharti, standing counsel
with Ms.Malvi Balyan and
Ms.Vidhushi Gupta, Advocates for R-
4/DJB.
Mr.Santosh Kumar Tripathi, standing
counsel with Mr.Rishabh Srivastava,
Advocates for R-5 & 6.
Inspector Yogender Kumar and SI
Sandeep Bishnoi, IC/PP, PS Punjabi
Bagh.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

31.07.2024

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1. Present public interest petition has been filed seeking issuance of directions to the Respondents to remove illegal encroachment and the



unauthorized multi-storey buildings constructed by the licensees/encroachers at Swayam Sidha Widow Colony, Madipur, West Punjab Bagh, New Delhi-110026.

2. Learned counsel for the Petitioner states that the housing project was established at Madipur, West Punjab Bagh, New Delhi designed to accommodate widows from squatter settlements in Delhi. He states that post dissolution of Respondent No. 7-Society in the year 2002, a single-storey dwelling unit bearing flat no. 79 measuring 24.5 sq. meters was demolished and converted into a multi-storey building consisting of six floors by way of amalgamation and illegal encroachment of public land. He states that similar action has been done by amalgamating: (i) single-storey flat nos. 256 and 257-258 into one building consisting of six floors; (ii) single-storey flat nos. 259, 260-262 into one building consisting of five floors; (iii) single-storey flat nos. 7, 62, 63, 64, 79, 115, 116 consisting of five floors, etc. He states that such unauthorized buildings (with excess height) have been constructed on the area originally allotted by the Respondent No.7-Society for construction of dwelling units for homeless widows in Swayam Sidha Widow Colony, Madipur. He states that such buildings do not have a fire NOC and have been constructed in violation of Unified Building Bye Laws, MPD-2021, MCD Act, 1957, etc. He also states that groundwater is illegally extracted by installing submersible pump/ bore/tube well without taking permission from the Respondent No. 4/DJB.

3. He states that the Petitioner submitted representations dated 16th May, 2024 to the Respondent No.1 and STF (Building), MCD, Civic Center, New Delhi-110002 to remove the illegal and unauthorized encroachment, but received no response till the date. He also states that the Petitioner filed



representations dated 19th May, 2024 to Respondent Nos. 2 and 3, but no action has been taken till date.

4. Keeping in view the aforesaid, the present writ petition is disposed of with a direction to the Special Task Force headed by Vice-Chairman, DDA to treat the present writ petition as a representation and to decide the same by way of a reasoned order in accordance with law within six weeks.

5. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 31, 2024
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