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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15051/2024**

SHAQIB

.....Petitioner

Through: Mr. Sushil Jain, Advocate

versus

MUNICIPAL CORPORATION OF DELHI AND ORS...Respondents

Through: Mr. Ajjay Aroraa and Mr. Kapil Dutta, Advocates for MCD.

Mr. Arjun Mahajan, Standing Counsel for DDA with Mr. Apoorv Upmanyu and Ms. Jahnvi Singh, Advocates for DDA.

Mr. Anil Soni, CGSC with Mr. Devvrat Yadav, Government Pleader and Mr. Akshay Daagar, Advocate for R-5 and 6.

SI Anil Kumar, P.S. Jamia Nagar.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

25.10.2024

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1. Present public interest litigation has been filed seeking a direction to respondent nos. 1 to 6 to demolish the unauthorised construction and encroachment by Respondent nos. 7 to 10 at P-92 and P-100, Nafees Road, Pehlwan Chowk, Batla House, Jamia Nagar, New Delhi – 110025; R-797, Sukleen Road, Near Umar Farukh Masjid, Jamia Nagar Okhla, New Delhi- 110025; and D39/D40, Abul Fazal, New Basti, Shaheen Bagh-2, New Delhi- 110025 (collectively, “the subject properties”).

2. Learned counsel for Petitioner states that the petitioner had previously filed a writ petition being W.P.(C) 13724/2024 seeking identical relief; however, the same was dismissed as withdrawn vide order dated 30th



September, 2024.

3. He states that Respondent nos. 7 to 10 have raised unauthorised construction at the subject properties by encroaching on Government land. He states that the unauthorised construction has been raised to the height of approximately 60 feet and the total coverage area is 100 percent, which is against the building by-laws. He further states that inferior quality material has been used for construction which puts the adjacent house and pedestrian at risk.

4. He states that the Petitioner has made representations dated 30th September, 2024 and 15th October, 2024 but no action has been taken so far.

5. Learned counsel for the MCD points out that the affidavit in support of the present petition is dated 30th September, 2024 i.e. the same date as the date of the representation.

6. Keeping in view the aforesaid, this Court is of the view that the present writ petition is pre-mature. Accordingly, the same is dismissed as pre-mature.

7. However, the Respondent is directed to dispose of the Petitioner's representations dated 30th September, 2024 and 15th October, 2024 in accordance with law as expeditiously as possible. The rights and contentions of all the parties are kept open.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 25, 2024/kks