

(2020) 03 DEL CK 0174

In the Delhi High Court

Case No : Civil Writ Petition No. 2710 Of 2020, Civil Miscellaneous No. 9403 Of 2020

Anil Kumar

APPELLANT

Vs

Archaeological Survey Of India & Ors

RESPONDENT

Date of Decision : 11-03-2020

Acts Referred:

Delhi Municipal Corporation Act, 1957 — Section 343(1)

Citation : (2020) 03 DEL CK 0174

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Advocate : Paranjay Chopra, Anil Soni, Devesh Dubey, Ajay Digpaul, Soumava Karmakar, Aaryan Verma, Kushagra Pandey

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

W.P.(C) 2710/2020

1. This Public Interest Litigation (PIL) has been preferred with the following prayers:

"a) Issue appropriate writ(s), order(s) or direction(s) in the nature of a writ of mandamus thereby directing the respondent No.1,2 and 4 to immediately take appropriate steps in accordance with law to stop and demolish the illegal and unauthorized construction work being carried out by the respondents No.3 and to prevent further unauthorized construction by respondent No. 3 in the property in question i.e. Royal Enclave-1, 29-D/1, Ward No1, Mehrauli, New Delhi-110030;

b) Pass any other and further order as this Hon'ble Court may deem fit and proper in the interest of justice."

2. Having heard learned counsel of both the sides and looking to the facts and circumstances of the case, it appears that several grievances have been

ventilated by the petitioner about the so-called unauthorised construction by respondent no. 3 at Royal Enclave-1, 29-D/1, Ward No1, Mehrauli, New Delhi-110030.

3. Counsel appearing for the respondent no. 2 submits that for the aforesaid construction in question, notice has been issued under Section 343(1) of the Delhi Municipal Corporation Act and the action has already been initiated by the respondent no. 2. In view of these submissions, we hereby direct the respondent no. 2 to decide the legality or otherwise of the construction of the premises in question. If the construction is found illegal, after giving an adequate opportunity of being heard to the occupier/owner of the premises in question, demolish the same in accordance with law, rules, regulations and Government policies as applicable to the facts of the case.

4. With these directions, this writ petition is hereby disposed of.

CM Appl. No. 9403/2020

In view of the order passed in the writ petition, this application is disposed of.