

(2020) 02 DEL CK 0092

In the Delhi High Court

Case No : Civil Writ Petition No. 1301 Of 2020, Civil Miscellaneous No. 4521 Of 2020

Mukesh Kumar

APPELLANT

Vs

East Delh Municipal Corporation & Ors

RESPONDENT

Date of Decision : 04-02-2020

Acts Referred:

Citation : (2020) 02 DEL CK 0092

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

Bench : Division Bench

Advocate : Pradeep Dewan, Vivek Sharma, Mitesh Vaid, Rajan Tyagi, Shobhana Takiar, Sanjeev Sagar, Nazia Parveen

Final Decision : Dismissed

Judgement

D.N. Patel, CJ

CM No. 4521/2020 (exemption)

1. Exemption allowed, subject to all just exceptions.

2. The application is disposed of.

W.P.(C) 1301/2020

1. This so called Public Interest Litigation has been preferred with the following prayers :

â??(i) Issue an appropriate writ thereby directing the Respondents to take action against the concerned officials who have illegally

sanctioned the construction plan on the open space/land situated at West Jyoti Colony, in the area of Chhajjupur, Kabir Nagar, Shahdara,

Delhi, adjoining to Guru Harkishan Public School, reserved for community facility;

(ii) Issue an appropriate writ thereby directing the Respondents to remove the

encroachment on the open space/land situated at West Jyoti

Colony, in the area of Chhajjupur, Kabir Nagar, Shahdara, Delhi, adjoining to Guru Harkishan Public School, reserved for community

facility, in pursuance of the status report dated 29.11.2017 filed by the East Delhi Municipal Corporation in the W.P. (C) No.8435 of 2017;

(iii) Issue an appropriate writ thereby directing the Respondents to construct the community facilities as mentioned in the layout plan of

Kabir Nagar, Chhajjupur, North & West Jyoti Nagar, Delhi, sanctioned in the year,1992;

(iv) Issue an appropriate writ thereby directing the Respondents and other concerned authorities, not to entertain any application/

representation to sanction the site plan for construction before the regularization of the colony, in pursuance of the Order dated

17.04.2018 passed by this Hon'ble Court in W.P. (C) No.8435/2017;

(v) Issue an appropriate writ thereby directing the respondent no. 7 to take step to stop the encroachment and illegal construction upon the

open space/land situated at Westjyoti Colony, in the area of Chhajjupur, Kabir Nagar, Shahdara, Delhi, adjoining to Guru Harkishan

Public School, reserved for community facility

(vi) PASS any other order or orders as this Hon'ble Court may deem fit under the circumstances of this case.â??

2. Having heard learned Senior Counsel for the petitioner and learned counsel for the respondent and looking to the facts and circumstances of the

case, it appears that this petitioner is in search of an order or direction from this court to concerned respondent authorities to initiate action against the

officer who has permitted the illegal construction and also for the demolition of the illegal construction in question, as mentioned in the aforesaid

prayers of the petitioner.

3. It appears that earlier also a writ petition bearing W.P.(C) 6393/2018 was preferred for the demolition of the illegal construction. In the said writ

petition, an order dated 3rd October, 2018 has been passed by this court whereby this court has directed constitution of a special task force, to arrive

at a conclusion about the legality or otherwise of the construction and to verify the facts. This process is already going on.

4. Thus, the special task force is already working to find out the facts whether

the construction is illegal. Thus, the process of determination of the legality or otherwise of the construction is going on before the special task force. Hence, we see no reason to entertain this writ petition as the same is pre-mature in nature and the same is therefore dismissed.