

(2021) 03 DEL CK 0323

In the Delhi High Court

Case No : Civil Writ Petition No. 10704 Of 2020, Civil Miscellaneous Application No. 5869 Of 2021

Nyaya Manch (NGO)

APPELLANT

Vs

Chairman State Task Force (STF) & Ors.

RESPONDENT

Date of Decision : 25-03-2021

Acts Referred:

Citation : (2021) 03 DEL CK 0323

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Jasmeet Singh, J

Bench : Division Bench

Advocate : Alamgir, Paritosh Dhwan, Beenashaw N. Soni, Mansi Bhati, Tarun Sharma, Akanksha Kapoor, Shivam Aggarwal

Final Decision : Dismissed

Judgement

D.N. Patel, CJ

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

"a) Direct the respondents to demolish the said unauthorized and illegal construction and encroachment at Mohan Singh Market, Sector-6, R.K.Puram, New Delhi and Sector-8, R.K. Puram, New Delhi and also encroachment on government land to Main Market of Sector-6, R.K.Puram, New Delhi there is about 50 shops/platforms which consisting illegal and unauthorized construction and encroachment of government land at Mohan Singh Market, Sector-6, R.K. Puram, New Delhi;

b) Direct the respondents to remove the encroachments/ unauthorized construction on the Government road/ street of public utility;

c) Pass any other order/s relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

2. Having heard the learned counsel for both the sides and looking to the facts

and circumstances of the case, it appears that this petitioner is in search of demolition of as many as 50 shops at Mohan Singh Market, Sector-6, R.K. Puram, New Delhi.

3. It appears that the concerned shop owners have not been joined as respondents. In the absence of these shop owners, petitioner is searching for the order of demolition to be initiated by the respondents.

4. Hence, we see no reason to entertain this writ petition without joining the owners/occupiers as respondents for the construction to be demolished. No construction can be ordered to be demolished by the Court without hearing owners/occupiers of the construction.

5. With the aforesaid observation, this writ petition is hereby dismissed. The pending application also stands disposed of.