

**GOVERNMENT OF INDIA
URBAN DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:470
ANSWERED ON:27.02.2013
DEMOLITION OF ILLEGAL CONSTRUCTION
Rawat Shri Ashok Kumar

Will the Minister of URBAN DEVELOPMENT be pleased to state:

- (a) whether the Delhi High Court had given any orders to the Union Government in October, 2005 to demolish illegal constructions at the bungalows of the political leaders and Government officers living in the Lutyen's Zone;
- (b) if so, the details thereof;
- (c) whether the Union Government has conducted any survey in this regard;
- (d) if so, the outcome thereof;
- (e) whether the Union Government has taken any steps to ensure compliance of the orders of the Delhi High Court for demolishing illegal constructions; and
- (f) if so, the details thereof as on date and if not, the reasons therefor?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SMT. DEEPA DASMUNSHI)

- (a) No, Madam. However, an order in this regard was passed by the Hon'ble Delhi High Court on 28th January, 2009.
- (b) Copy of Hon'ble Delhi High Court orders dated 28.1.2009 is enclosed.
- (c) & (d) Yes, Madam. A survey was conducted in 2004 and total 71 bungalows were found with unauthorized structures beyond revised norms. Unauthorised structures were removed in 16 bungalows before the orders of the Hon'ble Delhi High Court.
- (e) & (f) Yes, Madam. The Union Government has taken up steps to ensure the compliance of Hon'ble Delhi High Court orders dated 28.1.2009 and unauthorised construction have since been removed in following bungalows which were vacated:-
 1. No.3, Safdarjung Road.
 2. No.28, Tughlak Crescent.
 3. No.36, Aurangzeb Road.
 4. No.2, Lodhi Estate.
 5. No.3, Sunheri Bagh.
 6. No.5, Ashok Road.

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 15447/2004

COURT ON ITS OWN MOTION Petitioner

Through Ms. Rekha Palli, Amicus Cariae.

versus

MINISTRY OF URBAN DEVELOPMENT Respondent Through Mr. Dalip Mehra and Mr. Rajiv Ranjan Mishra, Advocates for UOI.

CORAM: HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER 28.01.2009

This matter has been pending since 2004

2. The Respondents have filed status report and affidavits from time to time on the question of unauthorized constructions in Government allotted properties.

3. In order dated 10.10.2007, it is recorded that 71 bungalows in the Lutyen's Bungalow Zone area had unauthorized structures beyond the revised liberalized prescribed norms. In 16 bungalows unauthorized constructions had been removed, in the remaining 55 bungalows authorized constructions still existed. It was noticed that Government bungalows are allotted for a short period and the occupants keep on changing. It was accordingly directed that W.P.(C) 15447/2004 Page 1 of 2 :2:

unauthorized constructions will be demolished as and when the occupants vacate and possession of the said bungalow would be handed over to the new allottee only after unauthorized construction beyond permissible norms is removed.

4. This order was reiterated on 16.1.2008 and it was directed that the competent authority would file an undertaking that all unauthorized constructions would be demolished when the occupant changes/ vacates and possession of the said bungalow would be handed over to the new allottee only after demolition / removal of unauthorized construction.

5. The Respondents will be bound by the said undertaking and will comply with the said direction. The writ petition is accordingly disposed of. In case there is any violation, the Court may take suo moto action or may revive the petition on an application being filed.

CHIEF JUSTICE

SANJIV KHANNA, J JANUARY 28, 2009 dk

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