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Nitin Sharma vs.union of India

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SooperKanoon Citation : sooperkanoon.com/1209773

Court : Delhi

Decided On : Oct-16-2017

Appellant : Nitin Sharma

Respondent : Union of India

Advocate for Def. : Mr. Ajay Di, Ms. Mohita, Mr. Sharat Kapoor, Mr. Jaideep Malik, Mr. Kumar Rajesh Singh

Advocate for Pet/Ap. : Mr. Abhishek Choudhary, Ms. Kirti Wardhan Sharma, Mr. Mohit Ramani

Judgement :

$~26 *IN THE HIGH COURT OF DELHI AT NEW DELHI + % W.P.(C)No.7952/2017 NITIN SHARMA Date of decision :

16. h October, 2017 .....

... Petitioner
Through : Mr. Abhishek Choudhary, Ms. Kirti Wardhan Sharma and Mr. Mohit Ramani, Advs. versus UNION OF INDIA ..... Respondent Through : Mr. Ajay Digpaul, CGSC with Ms. Mohita, Adv. for UOI. Mr. Sharat Kapoor, Adv. for R-2,3,4,6 & 7 with S.I. Sushil Sarwaria. Mr. Jaideep Malik, ASC for SDMC/R-5. Mr. Kumar Rajesh Singh, Adv. for R-8. CORAM: HON'BLE THE ACTING CHIEF JUSTICE HON'BLE MR. JUSTICE C.HARI SHANKAR JUDGMENT (ORAL) GITA MITTAL, ACTING CHIEF JUSTICE1 This writ petition complains that a temple in

Defence Colony, New Delhi which was in existence for the past 25 years was demolished by the police.

2. A status report dated 4th September, 2017 has been filed under the signatures of Inspector Vijay Kumar informing that a small W.P.(C)No.7952/2017 Page 1 of 3 temporary structure adjacent to the bus stop Nehru Homeopathic, Defence Colony, Bhism Pitahmah Marg, New Delhi was set up where idols of god are kept under a tree exists.

3. On the 21st August, 2017, it was noticed by the police that a fresh construction of a room like adjacent to bus stop on the footpath, which was also covering some part of the road was being undertaken by the petitioner - Nitin Sharma.

4. Information in this regard with photographs was sent to the Deputy Commissioner, Central Zone, South Delhi Municipal Corporation, Lajpat Nagar, New Delhi on the 21st of August 2017.

5. Inasmuch as the construction was carried out on the footpath as well as on the Bhism Pitahmah Marg and construction material was lying on the main road, a public place, on the 27th August, 2017, a case being FIR No.161/2017 was registered under Section 283 of the Indian Penal Code against the petitioner - Nitin Sharma, son of Shri Raj Pandit.

6. Furthermore, construction material which included stones, two stone pillars, 10 bags cement and dust lying on the road were seized as the case property.

7. It appears that thereafter on 28th August, 2017, the petitioner made a PCR call, information whereof was given to the Police Station Defence Colony, New Delhi and registered as DD No.13A wherein it was stated that a temple had been demolished at the instance of one Mr. Bhupender Malik.

8. The police is stated to have received a written complaint dated 29th August, 2017 from the Members of the Resident Welfare W.P.(C)No.7952/2017 Page 2 of 3 Association, Defence Colony alleging that Mr. Nitin Sharma visited the office of Resident Welfare Association with four other persons and threatened them.

9. The petitioner has made a complaint on 2nd September, 2017 regarding demolition of temple to the police station which complaint is being examined by the Grievance Cell, South District.

10. The police has disputed that any existing temple was demolished by them or any other agency.

11. It is further stated that the old small structure under a tree is still existing inasmuch as the action has been taken in accordance with law with regard to attempt to raise a fresh and new construction.

12. Police complaint has been registered and material seized on account of it being case property. This court cannot intervene in the ongoing investigation.

13. This writ petition is devoid of any legal merit. The same is hereby dismissed. ACTING CHIEF JUSTICE C.HARI SHANKAR, J OCTOBER16 2017 mk W.P.(C)No.7952/2017 Page 3 of 3

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