

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6719/2005

AJEET VARMA Petitioner
Through Mr. C M Gopal, Adv.

versus

MCD & ANR Respondent
Through Mr. Vibhu Shankar, Adv. for MCD
Mr. Harshit Agarwal, Adv. for Mr. Rajiv Bansal, Adv.
for DDA

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
01.04.2008

1. The petitioner has approached this court for issue of writ of mandamus to the respondent no.2, Municipal Corporation of Delhi, to seal and demolish illegal and unauthorized construction carried out in the motor garage of the premises bearing no.A-10/14, Vasant Vihar, New Delhi. It appears that the said premises is in occupation of one Mr. Bhupinder Singh who is respondent no.3 in the present writ petition. The said respondent has been served by publication but has not entered appearance.
2. Respondent Nos.1 and 2 have filed their short reply/status report stating inter alia that there are already 3 suits pending between the petitioner

and Mr. Bhupinder Singh/Mr. R P Gupta. It is further stated by MCD that three inspections have been done to ascertain unauthorized construction but on each occasion garage was found to be locked. The photographs have also been filed by respondent/MCD. A similar reply has been filed by DDA stating inter alia that the property i.e. the garage was inspected on 9.6.2006, when it was found to be locked.

3. The petitioner and Mr. Bhupinder Singh are involved in civil litigations. Personal rights of the petitioner and Mr. Bhupinder Singh will be decided in the said suits.
4. As far as unauthorized construction in the garage is concerned the respondents MCD and DDA have already taken action by visiting the properties and inspecting the same. On each occasion the property was found to be locked. It is also pointed out by counsel for the MCD that earlier, pursuant to directions issued on 20th March, 2002 in WP(C) No.1610/2002, demolition action was carried out and unauthorized construction made in the garage was removed.
5. In view of the facts and circumstances stated above I do not think any direction or order is required to be passed in the present writ petition. However, it will be open to the petitioner to approach the respondents MCD and DDA, in case he finds that there is any unauthorized construction in the property in question. If any such letter with evidence

is received, the respondents will take action as per law.

The writ petition is accordingly disposed of.

SANJIV KHANNA,J

APRIL 01, 2008
Vld/RN