

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

+ W.P.(C) 6929/2007

MAGHENDER WALIA

..... Petitioner

Through Mr. Sanjeev Kumar, Advocate.

versus

ASHOK ANEJA & ORS

..... Respondents

Through Ms. Sumita Kapil, Standing Counsel &
Ms. Mallika Poswal, Advocate for the MCD.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 05.02.2008

By way of present writ petition, the petitioner challenges order passed by the Municipal Corporation of Delhi regularising certain constructions made in property No. 5-C/13, new Rohtak Road, Karol Bagh, New Delhi-5. MCD has regularised construction in the said property vide order dated 24th January, 2007 in terms of the statutory provisions and their policy. The said regularisation in no manner affects the rights of the petitioner, who claims that he has entered into an agreement to purchase second floor of the said property with Mr. Ashok Aneja and Ms. Anju Aneja, who have been arrayed as

respondent Nos. 1 and 2. It is also stated that the petitioner has filed two civil suits. One before the Civil Judge, Tis Hazari being a suit for permanent injunction and another suit for decree of specific performance in this Court. If there is violation of any interim order passed by this Court or the Civil Court by the respondent Nos. 1 and 2, the petitioner has appropriate remedy by way of filing an application under order XXXIX Rule 2A of the Code of Civil Procedure, 1908. It will be for the Civil Court to determine and decide whether there is any violation of the order and what action thereafter should be taken against the said respondents. It is, however, admitted that there was no injunction order restraining the respondent-MCD from examining the request for regularisation of unauthorised construction.

I do not think the petitioner has any right to challenge regularisation of unauthorised construction made by the respondents by their order dated 24th January, 2007 in this writ petition.

The writ petition is accordingly dismissed.

SANJIV KHANNA, J.

FEBRUARY 05, 2008

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