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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1240/2016 & C.M. Nos.5442/2016 & 21082/2016**
MAHENDER SINGH

..... Petitioner

Through Mr. Dharamvir Khatri and Mr. Ashok
Nagrath, Advocates

versus

THE COMMISSIONER OF EAST MCD & ORS

..... Respondents

Through Mr. Pankaj Gar, Mr. Milind Garg
and Mr. A.S.M. Tripathi, Advocates
Mr. Santosh Kumar Tripathi, ASC for
R-4
Mr. M. K. Bharadwaj, Advocate for
intervener

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
02.08.2016

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Petitioner claiming himself to be co-owner is aggrieved by the fact that illegal and unauthorized construction is being committed in khasra no. 818/1, West Vinod Nagar, D-Block, Mandawali, Fazilpur, Delhi.

Counter affidavit has been filed by respondent no. 1 wherein it is stated that property has been inspected on 07.03.2016. During inspection it has been noticed that unauthorized construction in the shape of basement, ground floor, first floor and raising of walls at second floor had been carried out and the property was booked. Show cause notice was issued to respondent Sh. Wazir Aalam on 07.03.2016. Work stop notice was sent on 08.03.2016. Further action

carried out after March 2016 has not been detailed in this affidavit. This Court notes that this affidavit has been filed in the month of March, 2016.

Today an application bearing no. 21082/2016 has been filed on behalf of Rajender Singh and Ashok Kumar both sons of late Sh. Mam Chand claiming to be the owners of the property. Submission being that 450 sq. yards in this suit land belongs to the petitioner and 40 sq. yards has infact been sold by him to one Abdul Majeed. This Court also notes the submission of the intervener which is factually correct that the petitioner before this Court is the real brother of the intervener. Further submission of the intervener is that it is private vendetta which the petitioner is trying to vent upon the intervener. Additional submission is that the Corporation is in connivance with the petitioner and thus it is clear from the fact that Corporation has sent a show cause notice to Wazir Alam about the demolition proceedings. Submission of the intervener is that Wazir Alam is neither the owner and nor in occupation of the suit property. The intervener had sold only 40 sq. yards to one Abdul Majeed. These submissions noted above be considered by the Corporation / Respondent and if factually correct the Respondent will review its orders.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

AUGUST 02, 2016

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