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

+ **W.P.(C) 2175/2016 & C.M. No.9314/2016**

VIVEK SAHNI

..... Petitioner

Through **Mr.O.P.Saxena, Advocate.**

versus

NORTH MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Through **Mr.Ajay Aroraa, Advocate for R-1.
Mr.Sarat Chandra, Advocate for R-2.
Mr.Arvind Sharma, Advocate for R-3.**

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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11.07.2016

Respondent no.3 has put in appearance.

Learned counsel for respondent nos.1 and 2 submits that this petition is not maintainable. Submission is that a suit on similar prayer had in fact been filed which stands dismissed. Learned counsel for the petitioner on this count submits that the suit was dismissed on the ground of limitation and because of the statutory bar in view of the provisions of the National Capital Territory of Delhi Lands (Special Provisions) Act, 2011.

It is also an admitted position that proceedings under Article

227 of the Constitution of India have also been preferred by the petitioner which stand disposed of without any order enuring in favour of the petitioner.

The prayer made in the present petition has been perused. The date of aforementioned alleged illegal construction has not been given. Learned counsel for the petitioner submits that there may be some illegal construction carried out by respondent no.3 but all constructions were raised prior to June 2007; there is, however, a moratorium in favour of the petitioner.

Learned counsel for respondent no.1 submits that respondent no.1 would not be in a position to comply with the directions in terms of the prayer no.1.

Prayer no.2 cannot be answered as the lease deeds alleged to have been executed by respondent no.2 in favour of respondent no.3 relates to a freehold property and is not a leasehold property; respondent no.3 would not be in a position to invoke this power.

The respondent no.1/North Delhi Municipal Corporation of Delhi will be bound by the aforementioned statement made by him today.

The present petition is infructuous. It is disposed of accordingly.

INDERMEET KAUR, J

JULY 11, 2016
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