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

+ **CM(M) 1020/2016**

HARISH KUMAR Petitioner
Through **Mr.Ajit Pratap Singh, Advocate.**

versus

RAJWANS VADEHRA & ANR Respondents
Through **Mr.Ajjay Arora, Mr.Kapil Dutta and
Mr.Diksha Lal, Advocates for NDMC.**

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **05.10.2016**

CM Nos. 37284-85/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 1020/2016 and CM No. 37283/2016

1. The petitioner has filed the present suit claiming that respondent No.1 without any right, title or interest in the suit property is trying to raise illegal and unauthorised construction in the suit property being 3451, Gali Bajrang Bali, Chawri Bazar, Delhi-110006. Hence, a decree of permanent injunction is sought in favour of the petitioner and against respondent No.1 to restrain respondent No.1 from raising illegal and unauthorised construction in the property.

2. When the matter came up for hearing on 20.09.2016, the trial court directed respondent No. 2, the concerned Municipal Corporation to inspect the suit property as to whether unauthorised construction is going on or not

and take appropriate action on the same.

3. The present petition is filed with the grievance that despite unauthorised construction going on in the property, the trial court failed to exercise jurisdiction and pass an injunction order to restrain respondent No.1 from carrying on the said construction.

4. An advance copy of the present petition has been sent to respondent No.1 by speed post but none is present on his behalf.

5. Learned counsel has entered appearance on an advance copy for respondent No.2. He submits that respondent No. 2 pursuant to the directions in the impugned order has carried out an inspection and found that unauthorised construction is going on. Respondent No.2 has already issued a “Work Stop” notice to the concerned SHO of the area to take appropriate action in order to stop unauthorised construction in the suit property. Corporation is also in the process of carrying out further legal action for the demolition of the unauthorised construction.

6. In the light of the above submission of the learned counsel for the concerned Corporation, respondent No.1 is restrained from carrying out any further construction on the suit property. Copy of these directions be also served on the concerned SHO of the area.

7. Copy of the order be given Dasti under the signatures of the Court Master.

JAYANT NATH, J

OCTOBER 05, 2016
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