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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1716/2017 & C.M. No.7666/2017**
NAND RAM

..... Petitioner

Through Ms.Maldeep Sidhu, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through Ms.Reema Khorana, Advocate for
R-1.
Mr.Hem Kumar, Advocate for R-2.
Mr.Sanjeev Anand and Ms.Renu
Huhar, Advocates for R-3.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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27.02.2017

Petitioner is aggrieved by the illegal and unauthorised construction which has been permitted to respondent no.3 in respect of plot of land described as Plot no.153, New Manglapuri, Mehrauli, B.G.Road, New Delhi. It is stated that this construction is against the bye laws of the Corporation and this is unauthorised.

On advance notice learned counsel for respondent nos.1 and 2/SDMC has put in appearance. Learned counsel appearing for respondent no.1 submits that respondent no.1 has already issued a show cause notice under Section 338 of the DMC Act (dated 22.02.2017) to respondent no.3 to show cause as to why the building plan approved by respondent no.3 under SARAL Scheme be not

revoked. A copy of the show notice has been placed on record. Respondent no.3 is aware of this notice. Copy of this notice has been handed over to respondent no.3. His submission is that this appears to be a private vendetta. Both petitioner and respondent no.3 are real brothers. Learned counsel appearing for respondent no.3 submits that CS (OC) No.1442/2015 titled Nandram Vs. Kanwal Singh is a suit for partition which is pending on the original side of this Court which has been filed by the petitioner where the petitioner has admitted that there is an oral partition between the parties; as such the objection taken by him before the Department that a false affidavit has been sworn by respondent no.3 claiming himself to be a single owner of the portion in his possession is incorrect.

This Court is not in a position to deal with this submission of respondent no.3. Respondent No. 3 is advised to approach the Competent Authority in terms of the show cause notice dated 22.02.2017 which has been served upon him today.

Noting the stand of the Corporation which is to the effect that the show cause notice has already been issued to respondent no.3 as also the stand of respondent no.1 that all actions which have been initiated against respondent no.3 shall be taken to its ultimate goal (which statement is expected to be honoured in true letter and spirit); the learned counsel for petitioner submits that she does not wish to press this petition any further.

Liberty is granted to the petitioner to approach this Court in case she is aggrieved by any inaction on the part of respondent no.1.

Learned counsel for respondent no.3 submits that he would be

making his appropriate representation before the Department against the show case notice dated 22.02.2017 which shall be answered by the Department/respondent no.1 within a period of three weeks. No further orders are called for in this petition.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

FEBRUARY 27, 2017

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