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

+ W.P.(C) 4895/2017 and C.M. Appl. 21215/2017

SURESH CHAND BANSAL

..... Petitioner

Through: Mr. Raghuvinder Varma, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Mukesh Gupta, Standing Counsel

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **31.05.2017**

1. The petitioner is seeking direction to the respondent not to interfere in his possession and/or to demolish plots No.C-1/5, C-1/6, C-1/7, C-1/8, C-1/9 (100 sq. yards) and C-1/12 all measuring 100 sq. yards each situated in Acharya Kriplani Road, Adarsh Nagar Extension, Delhi.
2. Learned Standing Counsel for North Delhi Municipal Corporation has handed over a short affidavit according to which no building plan has been sanctioned in respect of the aforesaid properties. North Delhi Municipal Corporation does not admit the title of the petitioner in respect of the subject properties. Unauthorised construction was carried out on the ground floor of the adjoining properties bearing No.C-1/1, C-1/2 and C-1/3, Acharya Kriplani Road, Adarsh Nagar Extension, Delhi which were demolished on 19th August, 2016. It is submitted that the field staff inspected the properties mentioned in this petition on 30th May, 2017 and reported that properties No.C-1/5 to C-1/8 are vacant plot with boundary wall, C-1/9 has two rooms with one toilet and C-1/12 has one room.
3. Learned counsel for the petitioner submits on instructions that the

petitioner shall not carry out any unauthorised construction in the subject property. The statement is taken on record.

4. Since the respondent has not initiated any action for demolition of the subject properties mentioned in the writ petition, this writ petition is premature and is disposed of as premature.

5. The petitioner shall remain bound by the statement made before this Court today not to carry out any unauthorised construction in the subject property. Needless to say that if any unauthorised construction is carried out by the petitioner, the respondent would be within its right to take appropriate action in accordance with law.

6. Pending application is disposed of.

7. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

MAY 31, 2017

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