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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11125/2016 & C.M. Nos.43505/2015, 43506/2016**
HASHAM

..... Petitioner
Through Mr. Rahul Gupta and Mr. Shekhar
Gupta, Advs.

versus

SUB-DIVISIONAL MAGISTRATE (SDM) SAKET & ORS

..... Respondents
Through Ms. Megha Bharara, Adv for R-1 &
R-3 along with SI Surender Singh.
Mr. Rakesh Mittal, standing counsel
for R-2.
Ms.Meenalini S. Gupta and Ms.
Sarita Panda, Advs for R-4.
Mr. Sunil Chaudhary, Adv for R-5 to
R-11.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **24.01.2017**

Status report of the respondent Corporation/SDMC is on record. The stand of the Corporation is that the SDMC had inspected the site in question i.e. khasra Nos.881/2, 882 and 884/4 situated at village Satbari, New Delhi. No new construction has been noticed on the site; some old pucca structure and temporary structure with tin shed in some portion of the large land has been notice which is occupied; the rest of the portion is open and lying vacant. Photographs have also been annexed along with this petition.

Respondents No. 5 to 11 are represented; they state that they

are neither occupiers and nor the owners of the property (except respondent No. 10 namely Razak.) Today an application (C.M. No.2978/2017) has also been filed by Shivani Nath who claims herself to be the owner of the aforementioned property. This Court notes the stand taken in the application. This Court is not entering into the question of title of the property.

Be that as it may, noting the stand of the respondent Corporation but the respondent Corporation being silent as to whether the old pucca structure and temporary tin shed are unauthorized/illegal and calls for any further action or not, this Court is of the view that all actions in accordance with law shall be completed by the respondent Corporation. Needless to state that this would be after a due hearing has been granted to the owners/occupiers and since the applicant Shivani Nath is claiming herself to be the owner, she may also be heard in the matter before any adverse order is passed. The submission of respondent No. 1 shall all actions in accordance with law shall be taken is taken on record. It is hoped and expected that the same shall be honoured in true letter and spirit. The stand of respondent No. 1 has recorded on 09.01.2017 will also bind them.

No further orders are called for on this petition. It is disposed of.

INDERMEET KAUR, J

JANUARY 24, 2017

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