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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11691/2016 & CM APPL. 46051/2016 & 8716/2017**
PANKAJ JAGGI AND ORS Petitioners
Through : Mr. Abhishek Choudhary, Adv.

versus

THE DEPUTY COMMISSIONER NR D M C AND ORS Respondents
Through : Ms. Puja Kalra, Adv. for R-1/NDMC
Mr. Amit Singh, Adv. for R-2.
Mr. Atul Sahi, Adv. for R-3.

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **31.10.2017**

Petitioners approached this Court alleging illegal encroachment in the common passage surrounding the house of the respondent No.3 bearing No. J-384, New Rajinder Nagar, Delhi. In the short counter-affidavit dated 15.02.2017, the respondent-NDMC has stated as follows:-

“4. That upon the receipt of the complaint in the form of a petition an inspection was carried out by the concerned J.E. on property bearing No. J-384, New Rajinder Nagar, Delhi. Upon inspection, it was noticed that the respondent no. 3 herein had encroached upon a public land with a plantation and grassy lawn. To protect the plantation and grassy lawn, respondent no. 3 herein had fixed iron sheets in the shape of enclosure of the lawn and even installed in iron gate embedded in the steel columns. The iron grills were also installed in the side lane to serve the car parking.

5. That upon noticing the same an encroachment removal action was taken by the concerned Department on 7.2.2017 with the help of police force of P.S. Rajinder Nagar, Delhi. During the encroachment removal action iron gate, iron columns and cement concrete ramp was demolished. The photographs of the action taken are annexed herewith at Annexure-A Colly.

In view of the abovesaid, learned counsel for the petitioner submits that for the action taken, nothing further survives. Learned counsel for the respondent No.3, on his part, submits that the respondent No.3 had not either encroached or raised any construction and that all what is stated is not correct.

Be that as it may, in view of the short counter-affidavit filed by the respondent-NDMC, nothing survives in the petition and the same is disposed off accordingly.

A. K. CHAWLA, J

**OCTOBER 31, 2017
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