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

+ W.P.(C) 507/2018

DHARAM PAL

..... Petitioner

Through Mr.Nitin Dayal, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through Mr.Nikhil Goel, Adv. for SDMC.
Mr.Anuj Aggarwal, ASC for GNCTD.
ASI Raj Kumar, P.S. Safadarjung Enclave

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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31.01.2018

1. This is a petition under Article 226 of Constitution of India filed by the petitioner seeking a direction to respondent no.1 not to interfere, disturb with his daily business at *Tehbazari* site bearing no.13106 at Hauz Khas village Marg, Near “MCD Aapke Dwar”.
2. As per petition, the petitioner was allotted a *Tehbazari* site bearing no.13106 in L-Block, Green Park Extension. However, the said site was removed during commonwealth game in the year 2010 for widening of the road. In the year 2017 by an order dated 10.08.2017, the petitioner was allowed to shift his *Tehbazari* to the existing site to Hauz Khas village Marg. Copy of order dated 10.08.2017 passed by MCD has been placed on record.
3. Being aggrieved by the actions of respondent by removal of his *Tehbazari*

has led to filing of the present writ petition.

4. Counter affidavit has been handed over in Court wherein counsel for the respondent contends that since the petitioner was not adhering the norms of the MCD and he has erected a structure which is evident from the photographs placed on record at pages 22 and 23 of paper book, action was taken against the petitioner.
5. Counsel for respondent submits that site has been restored and in case the petitioner adheres to the norms of MCD, his possession would not be disturbed.
6. Counsel for the petitioner submits that petitioner would not erect the structure and would comply with the norms and the rules including the scheme of MCD for squatters.
7. Binding the respondents to the stand taken in the counter affidavit and the stand taken by the petitioner in Court, the petition stands disposed of, as prayed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 31, 2018

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