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

+ W.P.(C) 2932/2018, CM No. 11814/2018

ASIF ALI ZAIDI

..... Petitioner

Through: Mr. Javed Ashraf Khan, Adv.

versus

MOHD. TAHIR HASSAN AND ORS

..... Respondents

Through: Mr. Mukesh Gupta, Adv. for NDMC
with Ms. S. Gupta, Adv.

Mr. D. Rajeshwar Rao, Adv. for R4 &
R5

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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23.03.2018

The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this Hon’ble Court may be pleased to

- a) issue a writ of mandamus or any other appropriate writ, order or directions directing the respondent Nos.3-5 to stop the respondent Nos.1-2 from raising illegal and unauthorised construction without the sanctioned plan and permission from MCD and observe the law of land and also to direct the respondent MCD to book the unauthorised construction raised on the property shop measuring 2.5 sq. Mtrs. On the Ground Floor, upto ceiling level and without terrace/roof rights bearing Municipal No.1268, Ward No.VII, situated in Farashkhana, Delhi-110006,*
- b) Coasts of the petition be also awarded to the petitioner and*
- c) Such other further order this Hon’ble Court may deem fit*

and proper in the facts and circumstances of the case be also passed in favour of the petitioner and against the respondent No.1”

Mr. Mukesh Gupta, learned counsel, who appears on advance notice states, since the complaint of the petitioner, dated February 28, 2018 is to the extent that the respondent Nos.1 and 2 have occupied illegally an area of 2 feet 5 inches towards MCD Road, the respondent NDMC shall consider the writ petition as a representation after inspecting the property in question and pass a reasoned order within two weeks after the inspection. The same is acceptable to Mr. Javed Ashraf Khan, learned counsel for the petitioner. The writ petition is disposed of, directing the respondent No.3 to carry out an inspection within a week from today and pass a reasoned order on the writ petition within two weeks thereafter, communicating the same to the petitioner. If the petitioner is still aggrieved, the petitioner shall be at liberty to seek appropriate remedy as available in accordance with law.

CM No. 11814/2018 (for stay)

Dismissed as infructuous.

Dasti.

V. KAMESWAR RAO, J

MARCH 23, 2018/aky