

\$~12

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

+ W.P.(C) 4944/2017 & CM Nos. 36908/2017, 7080/2018 & 20761/2018

S.C. MIDHA

..... Petitioner

Through: None.

versus

LAND & DEVELOPMENT OFFICER,
MINISTRY OF URBAN
DEVELOPMENT & ANR

..... Respondents

Through: Mr Jaswinder Singh, Advocate for R-1.

Ms Mini Pushkarna, Standing Counsel, North DMC/R-2 with Ms Snigata and Ms Shiva Pandey, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.11.2018**

1. None appears for the petitioner.
2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent no.1 to convert the property located at A-3, (DS), Ramesh Nagar, New Delhi-110015 from lease hold to free hold after demolishing unauthorized construction, if any.
3. Mr Singh, the learned counsel appearing for respondent no.1 states that inspection team of respondent no.1 had visited the site and had found several breaches and the petitioner's request for conversion has been

withheld on that ground.

4. The Counter affidavit filed on behalf of the North Delhi Municipal Corporation indicates that the property in question was also inspected by the officials of the said corporation and upon inspection of the property it was found that there was no unauthorized construction on the ground floor of the said property. The inspection team also found no encroachment on the public land on the ground floor of the property.

5. Ms Pushkarna, learned counsel appearing for the North Delhi Municipal Corporation also submits that the property is located in a double storey colony and each floor is under separate ownership of separate persons. She submits that therefore, any breach in respect of first floor of the property cannot be imputed to the petitioner.

6. In view of the above, respondent no.1 is directed to examine the same and if it is found that there is no breach on the ground floor of the property take immediate steps for processing the petitioner's application for conversion from lease hold to free hold, in accordance with law.

7. The petition is disposed of with the aforesaid observations.

8. The pending application are also disposed of.

VIBHU BAKHRU, J

NOVEMBER 15, 2018
MK