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

+ W.P.(C) 6430/2017

RANJEET KAUR & ANR Petitioners
Through: Mr. S.K. Mishra, Adv.

versus

DEPUTY COMMISSIONER OF NORTH MUNICIPAL
CORPORATION & ANR Respondents
Through: Ms. Puja Kalra, Adv. with Mr. Satish
Kumar, Jr. Eng., Works, Deptt., M-I,
KB2.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **08.01.2018**

CM. No. 26614/2017 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM. NO. 657/2018 in W.P.(C) 6430/2017

This application has been filed by the petitioner with the following prayers:

“In view of the aforesaid, it is, therefore, most respectfully prayed that this Hon’ble Court may graciously be pleased to:

- (a) *direct the respondent no.1 and 2 to clear the illegal encroachment upon the public land situated behind the property bearing No. E-6 and E-7, Kailash Park, Basaidarapur, New Delhi and also ensure that no further construction should be carried out by Smt. Vijaya Kumari and her associates, in the interest of justice;*

- (b) *Direct the respondent no.1 to remove the illegal encroachment with immediate effect as per Annexure P-6;*
- (c) *Pass any other and further order as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case, in the interest of justice."*

On December 6, 2017, this matter was adjourned to April 13, 2018 directing the respondent/NDMC to file status report. Today, the matter is listed because of this application filed by the petitioner.

Learned counsel for the petitioner states, the only prayer made in the application is that the passage as noted from the photographs at pages 13 to 17 of the application (CM 657/2018) should be construction free. He has also drawn my attention to a report filed by the police authorities before the Court of MM, Tis Hazari on December 24, 2017, wherein according to him, it was represented by the police authorities that Smt. Vijaya Kumari had illegally encroached and constructed jhuggis. According to him, even otherwise, the petitioner shall be satisfied if the public passage as can be seen from the photographs at pages 13 to 17, referred above remains construction free.

Learned counsel for the respondent states, the Corporation would ensure that no construction is effected in the passage. Learned counsel for the petitioner states, this statement shall satisfy the grievance of the petitioner and the petition may be disposed of.

Taking the statement made by the counsel for the respondent on record, the petition and CM 657/2018 are disposed of.

If the petitioner is aggrieved in future by any unauthorized

construction in passage, she shall be at liberty to approach the court in accordance with law.

The date already fixed, i.e., April 13, 2018 stands cancelled.

V. KAMESWAR RAO, J

JANUARY 08, 2018/jg