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

Date of Decision: 08.10.2018

+ LPA 569/2018, CM Nos. 41574-41575/2018

ANJU SHARMA & ANR Appellants
Through: Mr. L.M. Asthana, Mr. Siddhant
Asthana & Mr. Chhetarpal Singh, Advs.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ORS Respondents
Through: Ms. Prabhsahay Kaur, Adv. for
GNCTD/R-1 & R-2 along with Mr. Raveendra
Kumar, Ex. Engineer (IFCD) & Mr. Azhar
Ahmad, Kanoongo, SDM (Hauz Khas)
Ms. Namrata Mukim, Adv. for R-3 South MCD

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

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

CM APPL.41576/2018 (*exemption*)

Allowed, subject to just exceptions.

The application stands disposed of.

LPA No.569/2018

1. Seeking exception to an order dated 30.08.2018 passed by the learned writ Court in W.P.(C) 4381/2018, this appeal has been filed under Clause 10 of the Letters Patent. Challenging an order dated 06.04.2018 passed by Sub-Divisional magistrate (South) informing the petitioners about a demolition drive fixed on 13.04.2018 and the consequential action taken for demolition

of Shop No.4 measuring 120 sq. ft., Aurobindo Marg, Village Adchini, Mehrauli, Delhi, the writ petition in question was filed.

2. It is a common ground that the shop in question was demolished and the petitioners/ appellants seek either restoration of the shop or grant of alternate area or shop. However, the fact that has come on record indicates that the appellant No.1 has not established her right to the shop in question. The petitioner's claim is that she was inducted by the original owner of the shop in question.

3. Apparently, the petitioner/appellant No.1 is neither the owner of the shop nor has a right to the shop in question and therefore the writ Court taking note of all these factors has dismissed the writ petition. In doing so, in our considered view, the writ Court has not committed any error. Thus, the appellants/petitioners having failed to establish a legal right in the shop in question cannot invoke the jurisdiction of this Court. Finding no error in the order passed by the learned writ Court, the appeal stands dismissed.

4. Accordingly, the appeal along with pending applications stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 08, 2018/ns