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

+ W.P.(C) 12077/2018 & CM APPL. 46784-46785/2018

KIRTI SAV JAN KALYAN SAMITI (REGD.) Petitioner

Through: Mr. M.M. Hashmi and Mr. Rukhsar
Ahmad, Advocates along with the
petitioner.

versus

S. D. M. (YAMUNA VIHAR) Respondent

Through: Ms. Niddhi Raman, Advocate for R-1
and R-3 with SI Shailendra Kumar
Singh, PS- Gokulpuri, Delhi.
Mr. Shitij Vats, Advocate for R-2.
Mr. K.C. Mittal, Advocate with
Mr. Yugansh Mittal, Ms. Ruchika
Mittal and Mr. Amit Prakash Shahi,
Advocates for R-4.
Mr. Abdol S. Advocate for R-6.

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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16.11.2018

The petitioner has filed the present petition under Section 226 for issuance of direction to respondent Nos. 1, 2 and 3 for stopping the illegal construction carrying out by respondent Nos. 4, 5 and 6.

The petitioner has alleged that one Gaurav Jain – respondent No.4 is carrying out unauthorised construction as shown in Annexure-E Khasra No.1/2, Ziauddinpur, New Mustafabad, Delhi situated in the Revenue Estate of village Ziauddinpur, Opp. Kabristan Gate, New Mustafabad, Delhi-110094.

Mr. K.C. Mittal, Advocate puts appearance on behalf of respondent

No.4 and submitted that Gaurav Jain i.e. respondent No.4 is the owner in possession of the land bearing Khasra No. 1/1, Property No.3502, Village Ziauddinpur Main, 33 feet Road, Mustafabad, Shahdara, New Delhi-110094 and there is no unauthorised construction on his part.

Learned counsel for respondent No.4 has further submitted that the petitioner has got no locus standi and is in the habit of filing false complaints without looking into the fact, that the petitioner is raising the construction at his own land i.e. Khasra No. 1/1, Property No.3502, Village Ziauddinpur Main, 33 feet Road, Mustafabad, Shahdara, New Delhi-110094 and has also placed on record a photocopy of the sale deed.

Learned counsel appearing on behalf of respondent No.2 has filed status report and submitted that the respondent No.2 has already issued demolition notice being Notice No.15942 dated 30.10.2018 to which counsel for the respondent No.4 denied having been served on his client till date.

In these circumstance, respondent No.2 may take appropriate action as per law on the Khasra No.1/2, Ziauddinpur, New Mustafabad, Delhi.

In any event, if the petitioner is not satisfied with this direction, he is at liberty to approach to the Special concerned Task Force.

The present petition is disposed of. All the pending application are also disposed of.

Dasti.

I.S.MEHTA, J

NOVEMBER 16, 2018

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