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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2645/2019 & CM APPL No.12269/2019**
SH. RAJINDER SINGH

..... Petitioner

Through : Mr.Mohit Gupta and Ms.Aayushi
Jain, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR.

..... Respondents

Through : Sri.Harsha Peechara, Advocate ASC
with Mr.Ashish Tiwari and Ms.Kriti
Sinha, Advocates

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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18.03.2019

This order be read in continuation of my order dated 15th March, 2019. Learned Local Commissioner namely Mr.Anand Mishra, Advocate has filed his report in the court. Following paras are relevant :

4. That upon arrival at the said site I found that there was huge crowd around the area and large number of people were gathered there claiming to be the well-wisher of the owner of the said taxi stand. None present there on the spot disputed the ownership and possession of the petitioner over the said taxi stand, therefore, no further and specific enquiry to that effect was made. I found on the spot that a JCB bearing registration no DL-1M-5223 was standing there and a man who was on the said JCB, came out claiming to be its driver and told his name as Mr. Nisar.

5. That upon my enquiry from the counsel of the petitioner to arrange for a photographer, he stated that he would take the photographs from his cell phone. That immediately after my arrival a specific question was raised by Mr. Mohit Gupta, Ld.

Counsel for the petitioner from the driver of the JCB as to when was the said site demolished? Mr. Nisar stated that the site was demolished around half an hour ago only though he had reached on the Kautilya Marg around 9 am in the morning. When I asked Mr. Nisar about the time of demolition of the said taxi stand, he confirmed the said statement, which was made by him in my presence on inquiry of Mr. Mohit Gupta. The incident and statement was recorded by Mr. Mohit Gupta, Ld. Counsel for the petitioner, in his cell phone and the recording has been provided by him to me in a pen drive with an assurance that the recording is the genuine and without any editing. The video of the said pen drive has further been copied in three compact discs (CDs). The CDs have been annexed with the copies of the report given to the parties. The said pen drive is annexed herewith and is marked as Annexure LCR-1.”

It is an admitted fact now the premises has since been demolished and the petition has become infructuous, hence the same is dismissed with a liberty to the petitioner to seek appropriate legal remedy as per law. Learned counsel for the petitioner submits he shall file an application for allotment of an alternative space. Learned counsel for the NDMC says in case the application is filed it shall be considered and decided within three weeks, as per rules and policies of NDMC. This order shall not prejudice the rights and contentions of the parties. The petition stands disposed of. Pending applications, if any, also disposed of.

Order dasti.

YOGESH KHANNA, J.

MARCH 18, 2019

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