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

+ **W.P.(C) 3507/2019**

MOHD SHAKIR

..... Petitioner

Through: Mr Javed Ahmad with Mr Habib
Ahmad, Advocates.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Amit Singh Chauhan with Mr
Hemant Chauhan, Advocates for R-5.
Mr Zahid Hanief, Advocate for Mr
Naushad Ahmed, ASC, (Civil),
GNCTD for R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.04.2019

CM No.16088/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 3507/2019

2. Issue notice. The learned counsel appearing for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) Issue as writ of prohibition restraining the Respondents No.1, 2 and 3 from causing undue interference/hindrance towards the lawful construction at property/Plot No.910, Gali Jatwara, Tiraha Behram

Khan, Daryaganj, Delhi, carried out by the Petitioner.”

4. The petitioner claims that he is carrying on construction at the property bearing Plot No.910, Gali Jatwara, Tirana Behram Khan, Daryaganj, Delhi, in accordance with the building plans sanctioned by respondent no.5 (North Delhi Municipal Corporation). The petitioner alleges that although the construction is being raised in accordance with law, respondent nos.2 and 3 (police authorities) are interfering with the same.

5. The petitioner contends that the said action has been taken at the instance of respondent no.4 who has also filed a suit (CS SCJ 678/2019), *inter alia*, praying that the petitioner be restrained from carrying on any unauthorised construction. The petitioner states that no interim order has been passed in the said suit.

6. In view of the above, respondent nos.2 and 3 are restrained from interfering with the construction except in accordance with law. In the event, respondent nos.2 and 3 are of the view that the petitioner is required to be restrained from raising any construction, the said respondents will pass a speaking order in this regard before taking any further steps. Needless to state that the petitioner is also at liberty to assail the same in accordance with law.

7. It is clarified that the present order has been passed on the affirmation that the petitioner is raising construction strictly in accordance with the sanctioned plan and in accordance with law. In the event, the said statement is found to be incorrect, the concerned authorities will take all necessary steps to ensure that the illegal construction is demolished immediately.

8. The petition is disposed of with the aforesaid observations.
9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

APRIL 05, 2019
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