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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5030/2019, CM No. 22264/2019
VED PARKASH GAHLOT Petitioner
Through: None.

versus

HARI SHARMA & ORS. Respondents
Through: Mr. Ranjeet Pandey, ASC for SDMC
for R-2 & 3
Mr. Dhanesh Relan, SC for DDA
with Ms. Gauri Chaturvedi, Adv. for
DDA
Ms. Anju Thomas, Adv. for R-28

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

ORDER
% **21.05.2019**

W.P.(C) 5030/2019

1. This petition has been filed by the petitioner by impleading twenty eight (28) respondents with the following prayers:-

“It is therefore most humbly prayed that this Hon’ble Court may be pleased to issue a writ, direction or order in the nature of mandamus to:

A) directs the respondent no. 2 and 3 to immediately demolish the illegal structure so raised by the respondent no.1, at property No. 98, Arjun Nagar, Safdarjung Enclave, Village Humayun Pur, New Delhi-110029, built on the land so owned by the petitioner;

B) direct the respondent no. 2 and 3 to file on record a copy of the sanctioned site plan pertaining to the two structures (East and West) built on the property no. 98, Arjun Nagar, Safdarjung Enclave, Village Humayun Pur, New Delhi-110029;

C) the Commissioner of North MCD to approach the local police and get registered a case of illegal and unauthorized construction against the owners/builders, respondents no. 1 to 26 as per law and also take action as per the procedure laid down for the purpose in DDA's office Memorandums dated 25.04.2018 and 23.05.2018;

D) grant the costs of the instant writ petition;

E) Award the costs of the instant writ petition,

Grant any other order or relief in favour of the petitioner and against the respondents, as deemed fit and proper in the facts and circumstances of the case."

2. When the matter was taken up in the morning, learned Senior Counsel appearing for the respondent No.1 has stated that the respondent No.20 and some occupants of the property have approached the ATMCD and have obtained stay. On this, the Court was of the view that appropriate for the petitioner is to approach the ATMCD by way of an intervention application in the appeals. On this Mr. Deepak Sharma, Adv. and Manish, Adv. appearing on behalf of petitioner sought time to take instructions. The matter was passed over.

3. The matter is again taken up at 16:50 hrs. There is no appearance for

the petitioner. Noting the submission made by learned Senior Counsel for the respondent No.1 and the fact that the respondent No.20 has already approached the ATMCD and some of the occupants of the property have also approached the ATMCD and got a stay, appropriate for the petitioner is to approach the ATMCD in the appeals filed by respondent No.20 and some of the occupants of the property and seek his intervention. If such an application is filed, the ATMCD shall consider the same favourably, only for the purpose of advancing oral submissions / written submissions.

4. With the above observation, the writ petition is closed.

CM No. 22264/2019 (for stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 21, 2019/ak