

\$~30

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

+ **W.P.(C) 3614/2018**

NAVEEN KUMAR Petitioner

Through: Ms. Kritika Angirish, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Ms. Mini Pushkarna, Standing
Counsel with Ms. Swagat Bhuyan &
Ms. Shiva Pandey, Advs. for SDMC
Mr. Ramesh Kumar, Adv. with Mr.
Dayanidhi Deep, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

14.08.2019

The present petition has been filed by the petitioner with the following prayers:

“A. Issue an appropriate writ / direction / order including a writ in nature of mandamus thereby directing the respondent to demarcate and remove illegal encroachment, illegal constructions between Shop No.K-10 and K-11 in Kashmiri Market, R.K. Puram; and / or

B. Issue an appropriate writ / direction / order including a writ in nature of mandamus thereby directing the respondent to cancel license of Shop No.K11, Kashmiri Market, R.K. Puram due to contravention of license terms illegal as per the provisions of the Delhi Development Act, 1957; and / or

C. Pending the hearing and final disposal of present writ petition Ad-interim relief in terms of prayer clause (a) above may kindly be granted,

D. Any other just and suitable order may kindly be passed in the interest of justice.”

In substance the petition has been filed for removal of illegal encroachment / illegal construction between kiosk shop No.10-11 in Kashmiri Market, R.K. Puram New Delhi.

On the last date of hearing this Court had directed the SDMC to clarify whether the occupation of area between kiosk No.10-11 by Sh. Munna Lal is authorised. Today, a status report has been filed by the SDMC wherein in paras 4 and 6 the following has been stated:

“4. That an inspection was carried out by the department on 07.08.2019. During the course of inspection, the occupant of space between Shop No.K-10 and K-11 was found to be one Murari Lal. He claimed to have purchased the said tehbazari shop from the original allottee, one Munna Lal and submitted documents related to tehbazari license in favour of Munna Lal. Copy of identity card issued by South Zone in favour of Munna Lal as eligible squatter in RK Puram.

xxx

xxx

xxx

6. That the space between Shop No.K-10 and K-11 is existing tehbazari site measuring ‘6x4’ and there is no encroachment beyond the allotted space.”

In view of the aforesaid clarification given by the SDMC, I do not see any reason to continue with the writ petition. The same is dismissed.

V. KAMESWAR RAO, J

AUGUST 14, 2019/aky