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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9858/2016 & CM No. 39238/2016

NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through : Ms. Biji Rajesh and Ms. Eshita
Baruah, Advs. for Mr. Gaurang
Kanth, Advs.

versus

SUMAN SETHI

..... Respondent

Through : Mr. Manoj Kumar, proxy counsel for
Ayush Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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15.02.2019

Pleadings in the matter are complete.

By way of this petition, the petitioner/North-DMC has challenged order dated 29.04.2015 made by the Appellate Tribunal MCD in Appeal No. 937/2013, whereby premises No. 6 in property bearing No. BN-10 Shalimar Bagh, Delhi was directed to be de-sealed, subject to the respondent furnishing an affidavit before the Tribunal with a copy to the petitioner to the effect that she will get the compoundable portions of the premises compounded and will use the subject premises only for activities permissible in law. The Tribunal had further directed that the respondent shall not raise any unauthorized construction in the subject premises and shall also pay all necessary charges to the petitioner regularly and punctually. The Tribunal's Order dated 29.04.2015 also stated as under: -

“The above affidavits be submitted before this Tribunal and

copy to Dy. Commissioner concerned and once it is accepted by this Tribunal then the property in question be desealed thereafter within seven days. Respondent is at liberty to take action in respect to the unauthorized construction and encroachment on public land.”

(Emphasis Supplied)

After some submissions, Ms. Biji Rajesh, learned counsel for the petitioner states that the present petition may be disposed of clarifying that although the subject premises has been de-sealed, the petitioner is yet at liberty to take action for any unauthorized construction and/or encroachment on public land that may exist in subject premises, in accordance with law.

Although the clarification sought is substantially, already part of the ATMCD’s order quoted above, to be abundantly sure, it is clarified that the petitioner is at liberty to take action in respect to any unauthorized construction and/or encroachment on public land and/or misuser of the subject premises, after issuing show-cause notice to the respondent and granting an opportunity of hearing.

The petition is accordingly disposed of in the above terms.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 15, 2019

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