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

+ W.P.(C) No. 10407/2017

PRIT PAL SINGH

..... Petitioner

Through: None.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Vinayak Gupta, Adv. for North
DMC.

Mr. Prabhsahay Kaur, Adv. for R-2.

Mr. Akhil Sachar, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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12.02.2019

CM APPL. No. 6599/2019 (for interim relief)

No one appears on behalf of the petitioner.

By this application filed by respondent No. 3/private respondent in the matter, the said respondent seeks an order restraining respondent No. 1/North DMC from demolishing property bearing No. C-3/23 Rajouri Garden, New Delhi, which is claimed to be owned by respondent No. 3 and mutated in her favour in the records of respondent No. 1.

The applicant contends that demolition of the subject property has been ordered on the basis that the building plan, which was sanctioned through the on-line 'Saral Scheme', was obtained on the misrepresentation that the plot size upon which the property is being constructed is 110 sq.

yards, whereas that actual plot size is 220 sq. yards. The applicant contends that in rectification order dated 16.11.2010 respondent No. 1 has already acknowledged that the plot size was 110 sq. yards and there was no basis for now alleging any misrepresentation on the part of the applicant.

Issue notice in the application.

Learned counsel for respondent No. 1/North DMC is present on advance copy and accepts notice.

Counsel for respondent No. 1 contends that an order dated 18.09.2018 under Section 338 of the Delhi Municipal Corporation Act, 1957 has already been made revoking the sanction of building plan for the subject property; and that order dated 18.09.2018 was preceded by show-cause notice dated 08.12.2017 duly issued to the applicant.

Considering that the prayer in the main petition seeks demolition of unauthorised construction on the subject property, I am not inclined to grant any relief in this application, at least at this stage, much less in the absence of counsel for the petitioner.

Let reply to this application be filed by respondent No. 1/North DMC within one week; rejoinder thereto, if any, be filed within three days of receiving the reply.

Considering the urgency expressed, list the matter on 27th February, 2019. The date of 11.04.2019 given earlier stands cancelled.

The applicant is at liberty to move an independent substantive petition claiming the relief sought by way of this application.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 12, 2019/uj