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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3880/2020**

RAJESH MITTALPetitioner
Through: Mr F.K. Jha, Advocate.

versus

**NORTH DELHI MUNICIPAL
CORPORATION & ORS** Respondents
Through: Mr Akhil Mittal, Standing Counsel
for R-1/NDMC.
Ms Shefali Vohra, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

% **ORDER**
02.07.2020

1. The hearing was conducted through video conferencing.

CM APPLN. 13872/2020 (Exemption)

2. Allowed, subject to all just exceptions. The application stands disposed off.

W.P.(C) 3880/2020 & CM APPLN. 13873/2020 (For directions)

3. Issue notice.
4. The learned counsel for the parties as mentioned above accept notice.
5. At joint request the application is taken up for disposal.
6. By way of present petition, the petitioner seeks following reliefs:

“...i) direct the respondent No.1 to demolish the unauthorized and illegal construction raised within the premises of Aarohi Hospitality/ Food I6, A-I6, G.T. Road, near Adarsh Nagar Metro Station, Indira Nagar, Adarsh Nagar, Delhi-110033 more particularly on the first, second and third floor of the aforesaid property (as depicted in photographs annexed as Annexure P-3 (Colly).

ii) *Direct the respondent No.2 to lodge an FIR against the respondent No.3 under Section 188 of the MCD Act, 1957 and further direct the respondent No.1 & 2 to seal the complete building of A-I6, G.T. Road, near Adarsh Nagar Metro Station, Indira Nagar, Adarsh Nagar, Delhi-110033.”*

7. The learned counsel for the respondent no. 2 submits that the petitioner resides at a distance of around 1.5 kms from the property in dispute and he possibly has some personal *lis* with the owner of property bearing number A-I6, G.T. Road, near Adarsh Nagar Metro Station, Indira Nagar, Adarsh Nagar, Delhi-110033. On a query put to the learned counsel for the petitioner, he states that the petitioner's mother has some dispute with the respondent no.3. He further submits that 35 complaints have been made by the petitioner to the respondent- North Delhi Municipal Corporation regarding the unauthorized construction by R-3. This submission by itself shows that the petitioner has vested interests and is trying to settle scores with the respondent no.3. He should have come to the Court with clean hands, with full disclosure of his interests or disputes against the said respondent.
8. Be that as it may, appropriate action apropos unauthorized construction in the first, second and third floor of the property is stated to have been initiated by the Municipal Corporation. The court is informed that respondent no.3 has already surrendered his food license and no restaurant is running on any of the floors. As regards the unauthorized construction, the respondent corporation will take

appropriate action, with due notice to the party(ies) concerned, within a period of four weeks from today.

9. The petition, along with pending applications, stands disposed off with above directions.
10. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 02, 2020/rd