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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 186/2018, C.M. Appl.No. 13768/2018, 386-387/2020

PURAN SINGH YADAV & ORS

..... Appellant

Through: Mr.Ashutosh Dubey, Mr. Ashish
Chauhan, Advocate

versus

NORTH DELHI MUNICIPAL CORPORATION DELHI & ORS

..... Respondent

Through: Mr. Arjun Pant, Advocate for DDA
Mr. R.Y. Kalia and Mr. Jagdish
Prasad, Advocates for respondent
No.3

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 08.01.2020

C.M. Appl. No. 387/2020 (Exemption)

Exemption allowed, subject to all just exceptions.

**LPA 186/2018, C.M. Appl.No. 13768/2018 (Stay), C.M. Appl. No.
386/2020 (Filed by the appellant u/s 340 Cr. P.C.)**

1. The appellants/petitioners are aggrieved by the interim order dated 21.03.2018, passed by the learned Single Judge in W.P. (C) No. 1737/2018.
2. By the order dated 21.03.2018, an application filed by the appellants/petitioners for issuing directions to respondent No. 1/Nr.

DMC for demolishing the illegal and unauthorised construction purportedly raised by the respondent No. 3 on land situated in Khasra No.79, Village Shakurpur, Delhi, was disposed of while recording the statement of the counsel for the respondent No.1/Nr. DMC to the effect that no construction was taking place at the site. It is relevant to note that while issuing notice on the present application on 10.04.2018, the predecessor Bench had directed that parties shall maintain status quo with regard to the construction and possession of the property.

3. We have been informed that the writ petition is listed before the learned Single Judge on 10.02.2020. Counsel for the respondent No. 3 states on instructions that his client undertakes not to raise any construction on the subject land or change the status of possession thereof during the pendency of the writ petition. He submits that though the SDM of the area had granted permission to the predecessor-in-interest of the respondent No. 3 for constructing a boundary wall on the subject land vide order dated 31.10.2000, his client shall apply afresh to the revenue authority for permission to raise a boundary wall and if such a permission is granted, an appropriate application shall be filed by respondent No. 3 in the writ proceedings to bring the said position to the notice of the learned Single Judge, before taking any steps to raise a boundary wall on the subject land.

4. Respondent No. 3 shall file an affidavit on the aforesaid lines

within two weeks, in the writ petition with a copy to the counsel for the appellant and the remaining respondents.

5. The present appeal is disposed of alongwith the pending applications in view of the statement made by the respondent No. 3 above and the order passed separately in Cont. Cas (C) No. 292/2019 today.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 08, 2020
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