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

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Judgment delivered on: 05.07.2021

+ W.P.(C) 4801/2021& CM APPL. 14826/2021

JOGENDER KUMAR

..... Petitioner

versus

EAST DELHI MUNICIPAL CORPORATION & ANR

...Respondent

Advocates who appeared in this case:

For the Petitioner: Mr.Akhil Sachar and Ms. Sunanda Tulsyan,
Advocates.

For the Respondent: Mr. Divanshu, Advocate for EDMC.
Mr. Arun K. Chauhan, Advocate for respondent
No.2.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent, Municipal Corporation to demolish the alleged illegal and unauthorized construction being raised by respondent No.2 in property number D-311, Gali No.14, New Ashok Nagar, East Delhi.

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W.P.(C) 4801/2021

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3. The petitioner is a resident of property number D-303, Gali No.14, New Ashok Nagar, East Delhi.

4. Learned counsel appearing for respondent No.2, on advance notice, submits that selective action is sought to be taken against the property of the respondent as respondent is a witness to a *Kalandara*, which has been registered against the petitioner under Section 207 Cr.P.C.

5. He further submits that a demolition notice was issued in the name of the son of respondent No.2 with whom respondent No.2 has strained relations. Further, respondent No.2 has already filed an appeal which is pending before the Appellate Tribunal, MCD.

6. Learned counsel appearing for the respondent, Corporation submits that part demolition action was taken on 27.12.2019 and a further demolition notice has been issued on 19.04.2021. He, however, concedes that respondent No.2 has already filed an appeal before the Appellate Tribunal, MCD.

7. Learned counsel submits that that further action shall be taken by the respondent, Corporation in accordance with law and subject to orders to be passed by the Appellate Tribunal, MCD.

8. In view of the above statement of learned counsel for respondents, no further orders are called for in the writ petition. The petition is accordingly disposed of.

9. However, this is without prejudice to the rights and contentions of the parties and without opining on the objection taken by respondent No.2 with regard to the locus of the petitioner to file the petition. Said issue is left open.

10. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

JULY 05, 2021
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