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

% *Decided on: 6th March, 2023*

+ **W.P.(C) 2802/2023 and CM APPLs. 10790-91/2023**

SMT. SUDERSHAN MARWAH Petitioner

Through: Mr. Anuj Kumar Garg and
Ms. Parul Verma, Advocates
(Ph. 8512071465, e-mail:
anuj1advocate@gmail.com).

versus

MUNCIPAL CORPORATION OF DELHI AND
OTHERS

..... Respondents

Through: Ms. Akanksha Sisodia,
Advocate for R-1.

Ms. Sangeeta Bharti, Standing
Counsel DJB with Ms. Malvi
Balyan, (Ph. 7838381996, e-
mail: malvibalyan@gmail.com)

Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil),
GNCTD with Mr. Arun
Panwar, Mr. Pradyuman Rao,
Mr. Tapes Raghav,
Ms. Mahak Rankawat and
Mr. Utkarsh Singh, Advocates
for R-2, 3, 7 to 12, 14.

Mr. Abhay Kumar and
Mr. Shagun Ruhil, Advocates
for R-13/ TPDDL.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL. 10790/2023 (Application under Section 151 CPC for exemption from filing certified copy of annexures)

1. This is an application under Section 151 CPC for exemption from filing certified copy of annexures.
2. Allowed, subject to just exceptions.
3. Application is disposed of accordingly.

W.P.(C) 2802/2023 & CM APPL. 10791/2023 (under Section 151 CPC for necessary direction to take immediate action against the illegal and unauthorised constructions in the area)

4. In the present writ petition, the case of petitioner is that her deceased husband had purchased plot no. 243, measuring 200 Sq. Yds., Village Qadipur, in Radha Park, Sector-2, Delhi vide registered Sale Deed dated 28.01.1974.
5. It is submitted that husband of the petitioner was a member of the registered society of the plot holder owners which is a registered body and known as Radha Park Plot Holder Association Delhi, which is registered with the Registrar of Societies.
6. It is submitted that taking benefit of the fact that the plot holder owners are the outsiders and not native of the village, the recorded owner in connivance with other persons executed registered sale deeds in respect of the same land of which earlier registered sale deeds were duly executed in favour of the plot owners.
7. It is submitted that the original owners did not stop themselves here, despite the fact that they had already lost their ownership and

every right and title over the land in question. It is submitted that the original land owners have forged other sale deeds using the same title documents, to make a chain thereof and using the same as genuine. Thus, on that basis, the said persons are approaching the Revenue Authorities, Registrar as well as various Courts with false claims relying on the forged documents. Thus, they are cheating by forging the documents and committing forgery using the forged documents, mis-representing them to be as genuine.

8. It is the case on behalf of the petitioner that he filed complaint dated 02.01.2023 and reminders dated 08.01.2023 and 16.01.2023. Thereafter, the petitioner submitted his representation with the SDM, Alipur, i.e. respondent No. 10 dated 29.11.2022. It is submitted that there is no response from the SDM, Alipur i.e. respondent No.10 despite representation dated 29.11.2022 having been given by the petitioner herein. Thus, by way of the present petition, it is prayed that directions may be given to respondent No.10 to adjudicate the representation dated 29.11.2022 filed by the petitioner within time bound period.

9. Learned counsel appearing for the petitioner submits that the unauthorized construction is still going on in the area in question despite various representations made in this regard.

10. Issue notice to respondents.

11. Notice is accepted by learned counsel appearing for respondents.

12. Learned counsel appearing for the respondents, on advance

notice, submits that the area in question has already been urbanized in the year 2017. He further submits that the SDM, Alipur is the Chairman of the Special Task Force (STF). He submits that the unauthorized construction going on in the area has already been noted by the concerned authority and an order in this regard for demolition of the unauthorized construction was passed by the STF on 13.02.2023. He further submits that action for removal and demolition of the unauthorized construction was taken on 14.02.2023. Learned counsel has shown photographs of the action taken, as available on the laptop of the learned counsel.

13. Learned counsel submits that the representation of the petitioner shall be dealt with expeditiously.

14. In that view of the matter, the present writ petition is disposed of with directions to the respondents to adjudicate upon the representation dated 29.11.2022 filed by the petitioner within a period of 6 months from today.

15. The present writ petition is disposed of in the aforesaid terms, along with pending applications.

MINI PUSHKARNA, J

MARCH 6, 2023

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