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

+ W.P.(C) 4753/2022 & CM APPL. 14248/2022

SMT AMARJEET KAUR

.....Petitioner

Through: Ms. Aditi Singhal and Mr. Ayush
Gupta, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION
AND ORS

.....Respondents

Through: Mr. Anand Prakash, SC along with
Ms. Varsha Arya and Mr. Satbeer,
Advs. for R-1/MCD.
Ms. Manpreet Kaur, Advocate for
R-2 and 3.
Mr. Vibhor Tyagi, Advocate for R-
5 & 7 to 9.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.10.2024

1. The petitioner has filed this petition, under Article 226 of the Constitution, for the following reliefs:

“a. Direct the Respondent No.1 to take action on the complaint dated 13/11/2019 filed on behalf of the petitioner in a time bound manner;

b. Direct the Respondent No.1 to initiate the Civil and Criminal Prosecution against the Respondent No.3 for illegally occupying the land belonging to the Respondent No.1 and against the other Respondent(s) for usurping the Public Land by playing fraud on the Hon'ble High Court of Delhi in CS (OS) No.593/2006 titled as "Nirmal Kaur Vs Surjit Kaur & Ors";

c. Direct the Respondent No.1 to remove the illegal possession and encroachment of the Respondent No.3 on public land;

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d. Pass any other direction or order which this Hon'ble Court may deem fit or necessary in the interest of justice."

2. It appears from the writ petition that the petitioner is the owner of the property situated at *C-17, Mansarover Garden, New Delhi-110015*. She has filed this petition in respect of a neighbouring property at *C-18, Mansarover Garden, New Delhi-110015* ["subject property"]. There is also a civil suit instituted by respondent Nos.2 and 3 against the petitioner, in respect of alleged encroachment on their land. The suit instituted by respondent Nos. 2 and 3 remains pending.

3. The petitioner's complaint dated 13.11.2019 alleges that the private respondents have usurped public land. In the meanwhile, learned counsel for Municipal Corporation of Delhi ["MCD"], states that the subject property has been inspected, and the construction is found to be raised without a sanction plan. MCD has, therefore, passed a demolition order on 15.06.2018.

4. By order dated 20.02.2024, MCD was directed to inspect the property afresh, and take action to remove the unauthorised construction at the premises, unless there are subsisting interim orders passed by the Appellate Tribunal of MCD ["ATMCD"] which prevent it from doing so.

5. In a subsequent status report dated 23.04.2024, MCD has stated that the ATMCD has passed an order dated 15.03.2024, restraining it from taking further coercive action in respect of the subject property. The said order remains in force, and the proceedings before the ATMCD are next listed on 07.10.2024.

6. The writ petition is, therefore, disposed of with the observation that MCD will take action against any unauthorised construction, subject to



the result of the pending appeals before the ATMCD. Parties may also make their submissions before the ATMCD, as to whether the construction has been carried on by way of encroachment on public land, if necessary.

7. This order is passed without prejudice to the rights and contentions of the parties to the pending civil proceedings [CS (OS) 286/2016] before this Court.

8. The petition, alongwith the pending application, is disposed of, with these directions.

PRATEEK JALAN, J

OCTOBER 4, 2024
SS/