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

+ **W.P.(C) 6143/2024**

SH. GYANCHAND GAUTAM

..... Petitioner

Through: Mr. Gyanchand Gautam, Mr. Rajbeer,
Mr. Ventake M.D. Muppanna, Mr.
Shailendra Kumar and Mr. Sujeet
Kumar, Advs.

versus

MUNCIPAL CORPORATION OF DELHI & ORS..... Respondents

Through: Mr. Abhinav Sharma, ASC along
with Mr. Mahender Shukla and Mr.
Manish Kumar, Advs. for MCD.
Ms. Prabhsahay Kaur, SC along with
Mr. Bir Inder Singh Gurm and Ms.
Pragati Sharma, Advs. for R-4/STF.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

02.05.2024

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1. The present petition raises a grievance as regards alleged encroachment on the public street by the owner/occupier of property bearing F-176-B, Prajapat Nagar, Gautam Nagar, Hauz Khas, New Delhi-110016.
2. A complaint in this regard was given by the petitioner to the concerned Dy. Commissioner/MCD. However, it is submitted that no action was taken on the complaint of the petitioner.
3. Learned counsel for the respondent/MCD submits that the present petition itself shall be treated as a representation of the petitioner and a speaking order shall be passed thereon, after affording an opportunity of hearing to the petitioner. If necessary, a hearing shall also be afforded to the



person against whom the allegation of encroachment in public land is made and/or to the current owner/occupier of the property in question. If warranted, upon conclusion of aforesaid exercise, further action shall be taken by the respondent/MCD to remove the encroachment on public land in accordance with law.

4. With the aforesaid directions, the present petition stands disposed of.

5. Needless to say, if the petitioner is aggrieved by the outcome of the aforesaid exercise, or the sufficiency of action taken by the MCD, it shall be at liberty to avail appropriate remedies under law.

SACHIN DATTA, J

MAY 2, 2024/cl