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

+ **W.P.(C) 6157/2024, CM APPL. 25637/2024 - STAY**

KAMALJEET BAJWA

..... Petitioner

Through: Mr. Tanmay Mehta, Adv. alongwith
Mr. Vinay Kumar Dubey, Mr.
Saurabh Singh, Mr. Vishal Kumar
Malhotra, Mr. Sahil Gupta, Mr.
Akshay Vashisht, Ms. Simran Sharma
and Ms. Priya Dubey, Advs.

versus

MUNICIPAL CORPORATION DELHI & ANR. Respondents

Through: Mr. Abhinav Sharma and Mr.
Mahender Shukla, Advs. for MCD
alongwith Mr. Mohd. Rizwan, in
person.
Mr. Manika Tripathi, SC for DDA
alongwith Mr. Naveen K. Sarswat,
Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

13.05.2024

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1. The present petition has been filed by the petitioner on the assertion/allegation that certain officials of the respondent (MCD)/local politicians have encroached an open area adjacent to Convenient Shopping Centre Complex (CSC), Hauz Khas, New Delhi, in contravention of the approved layout plan thereof.
2. The concerned CSC Complex has been developed by the respondent no.2/DDA, and which is stated to have been handed over to the respondent no.1/MCD for the purpose of its maintenance, administration and up-keeping.



3. It is submitted by the learned counsel for the petitioner that the respondent no.1/MCD and its officials have erected a temporary structure in the area in question and are thereby encroaching upon the vacant area in contravention of the layout plan.

4. Learned counsel for the respondent no.1/ MCD has vehemently denied that the area in question has been encroached upon by the certain officials of the respondent no.1(MCD)/local politicians for using the same as their office. It is submitted that an inspection of the area has been conducted and it has been found that the existing structure is being used by the Sanitation Department as a Central Store for keeping sanitation equipment for the entire South Zone, MCD. In this regard, a status report has been handed over during the course of hearing pursuant to the inspection conducted pursuant to the previous order(s) passed in these proceedings, which reads as under :-

“This has been reference to the writ petition filed by Kamaljeet Bajwa ...Petitioner against the Municipal Corporation of delhi &Anr. Regarding dhalao existing in the premises of Convenient Shopping Complex (CSC), Hauz Khas Ward no.148.

In this regard it is submitted that the site under reference has been inspected by the EMS Division, and it has been noticed that there is a permanent structure existing, which has been used by the Sanitation Department as a Central Store for keeping sanitation equipment for the entire South zone of MCD. (Photographs attached). This place is not been use for office of any political party.

Furthermore, it is submitted that the concerned area sanitation inspector reported that the said structure is presently used as a central store. Previously, the structure served as a dhalao/garbage collection point before 2015, and after that, it was converted by MCD into a storeroom for keeping sanitation equipment for the entire South zone, MCD.”

5. Certain photographs have also been enclosed along with the said status report which corroborates the contents of the status report.



6. As such, the concern of the petitioner that the structure in question is being used by certain officials/local politicians for their personal office, stands allayed.
7. As regards the contention of the petitioner that the presence of the temporary structure itself is in contravention of the lay-out plan, the same is also refuted by the learned counsel for the MCD. However, in view of the averments made in the present petition, it is deemed appropriate to dispose of the present writ petition with a direction to the respondents to consider the present petition itself as a representation and to inform the petitioner as to the status of the land in question and as to whether the presence of the temporary structure thereof is permissible and/or consistent with the approved lay-out plan of the concerned CSC.
8. Let the representation be disposed of by the respondent nos.1 and 2 by passing a speaking order within a period 06 weeks from today after affording an opportunity of hearing to the petitioner.
9. The present petition, along with pending application/s, is disposed of in the above terms.
10. In case, the petitioner is aggrieved with the outcome of the aforesaid exercise, he shall be at liberty to avail appropriate legal remedies, in accordance with law.

SACHIN DATTA, J

MAY 13, 2024/r