



\$~156

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

+ **CONT.CAS(C) 777/2024 & CM APPL. 28243/2024**

**HARI SINGH AND ORS.**

..... Petitioners

Through: Mr. Abhay Kumar, Mr. Shagun Ruhil  
and Mr. Gaurav, Adv.  
M: 9654009129

versus

**GYANESH BHARTI AND ANR.**

..... Respondents

Through: Mr. Mukesh Gupta, Adv. with Mr.  
Mayank Ahuja, Adv. for MCD.  
M: 9810144127  
Email: [guptaadvocate@yahoo.in](mailto:guptaadvocate@yahoo.in)  
Mr. Avinash Kumar, AO, MCD,  
Karol Bagh Zone

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**27.05.2024**

%

1. The present petition has been filed alleging willful disobedience of the order dated 30<sup>th</sup> November, 2023 passed by the Division Bench of this Court in *W.P.(C) No. 11766/2021*, wherein, the statement made on behalf of Municipal Corporation of Delhi ("MCD") was recorded, i.e., that a site Opposite Moti Nagar Police Station, is available for relocation of the petitioners, to which the petitioners had no objection. Thus, the writ petition had been withdrawn by the petitioners herein, in view of the submission made on behalf of MCD. However, since the new site for relocation, was not handed over to the petitioners, the present petition has come to be filed.



2. Today, Mr. Mukesh Gupta, learned Counsel appearing for the MCD has handed over a copy of a short affidavit, wherein, it has been stated that the site Opposite Moti Nagar Police Station, had been offered inadvertently. He further submits that the said site cannot be allotted to the petitioners, as the same is not in the list of Squatting/Hawking Zone. Thus, it is submitted that three new sites have been identified by the respondents for relocation of the petitioners.

3. The short affidavit filed on behalf of MCD, reads as under:

“xxx xxx xxx

*5. That it is submitted that the site for relocation at Wall of HIL Colony opposite Moti Nagar Police Station, New Moti Nagar (Karampura) had been proposed in the present matter inadvertently due to confusion as some Tehbazaries already exists at Road No. 34, Moti Nagar (adjacent road of HIL Colony). However, now it has been verified that site Wall of HIL Colony opposite Moti Nagar Police Station, New Moti Nagar (Karampura) it not in the list of Squatting/Hawking Zone.*

*6. That in order to resolve the issue three new sites have been identified by the answering respondent for relocation of petitioners which are as under:-*

*(i) Near Govt. Quarter Dev Nagar besides existing tehbazaries. (Open Space).*

*(ii) 13A Block, WEA, Karol Bagh, New Delhi (Open Space).*

*(iii) Padam Singh Road, WEA, Karol Bagh (Open Space).*

xxx xxx xxx”

4. The aforesaid short affidavit handed over by the MCD is taken on record.

5. Learned counsel appearing for the petitioners, on instructions from the petitioners, who are present in Court, submits that the petitioners have accepted site at Serial No. (ii) of the short affidavit, i.e., *13 A Block, WEA,*



*Karol Bagh, New Delhi (Open Space).*

6. At this stage, Mr. Mukesh Gupta, learned counsel appearing for the MCD, on instructions from the Administrative Officer of the Karol Bagh Zone, submits that six weeks may be granted to do the needful.
7. Accordingly, it is directed that the respondents shall allot the site at *13A Block, WEA, Karol Bagh, New Delhi (Open Space)*, to the petitioners, within a period of six weeks from today.
8. In view of the aforesaid, no further orders are required to be passed in the present petition. However, liberty is granted to the petitioners to revive the present petition, in case grievances of the petitioners still survive.
9. With the aforesaid directions, the present petition is disposed of.

**MINI PUSHKARNA, J**

**MAY 27, 2024/kr**