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

+ **CONT.CAS(C) 804/2024**

CHANDER KANTA

.....Petitioner

Through: Mr. Virendra Singh, Advocate.

versus

GYANESH BHARTI COMMISSIONER MCD AND OTHERS

.....Respondent

Through: Mr. Tushar Sannu, Standing Counsel
for MCD with Mr. Manoviraj Singh,
Advocate.

Mr. Aditya Raj with Mr. Pratam
Diwakar, Advocates for respondent
No.3.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

11.11.2024

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CM APPL. 65679/2024 (exemption)

Exemption allowed subject to all just exceptions.

**CM APPL. 65678/2024 (filed on behalf of petitioner seeking
modification of order dated 09.09.2024)**

1. The petitioner/applicant seeks modification of the final order dated 09.09.2024.
2. According to him, the applicant Usha Rani has no locus to apply for fresh sanction and, therefore, there is a requirement of modification in the last order passed by this Court.
3. The above said petition was disposed of on 09.09.2024 and para 12 of the above said order reads as under:-



“12. Hence, the present application moved by the applicant is hereby allowed. She shall be at liberty to demolish the entire existing structure construction and thereafter apply for fresh sanction or building plan for construction in accordance with law. This shall be without prejudice to the rights and contentions of the parties in the pending civil suit.”

4. This Court is of the considered opinion that there is no requirement of giving any further clarification or modification as the observations contained in para 12 are already of wide amplitude. The above said observation takes care of the grievance raised by the petitioner herein as it goes without saying that as and when the applicant Usha Rani applies for any fresh sanction or building plan for construction in accordance with law, the concerned civic agency would always consider her locus as well.

5. In view of the above, learned counsel for the petitioner does not press his application. The application is disposed of accordingly.

6. It is, however, clarified that this court has not made any observation either way and it will be upto the concerned civic agency to consider the above said aspect and to proceed further in accordance with law.

MANOJ JAIN, J

NOVEMBER 11, 2024
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