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

+ **W.P.(C) 7972/2024 & C.M.No.32914/2024**

SAPNA

..... Petitioner

Through: **Mr.Arun Kumar Verma, Advocate**
(Through VC).

versus

MUNICIPAL CORPORATION OF DELHI & ORS. Respondents

Through: **Mr.Sanjeev Sagar, standing counsel**
with **Ms.Nazia Parveen, Mr.Yadav**
Birandra Gamprasad, Mr.Deeptanshu
Mishra, Mr.Akhilesh Kumar Yadav,
Mr.Vishal Kumar Yadav, Mr.Ashish
Shukla, Mr.Avinash Kumar and
Mr.Ujjwal Gaur, Advocates for R-
1/MCD.

Ms.Prabhsahay Kaur, standing
counsel with Mr.Bir Inder Singh
Gurm, Advocate for STF, DDA.
Mr.Nakesh Gupta with Mr.Aman
Giri, Advocates for R-5.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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29.05.2024

1. Present public interest petition has been filed seeking issuance of directions to respondent nos.1 to 4 to demolish the illegal and unauthorized construction work being carried out by respondent no.5 (Sh. Prakash Johri) at properties bearing no.21 and 47 (land measuring 600 sq. yds. each i.e. total 1200 sq. yds.), Okhla Industrial Area, New Delhi- 110020 (in short 'subject properties').



2. Learned counsel for the petitioner vehemently contends that the land in question belongs to respondent no.4-DSI IDC.
3. He states that the petitioner made a representation dated 13th April, 2024 to respondent nos.1 to 4 and requested them to take legal action against Respondent no. 5, but respondent nos.1 to 4 did not take any action against the illegal and unauthorized construction as well as encroachment raised by respondent no. 5 at the subject properties.
4. Learned counsel for MCD, who appears on advance notice, has handed over a letter dated 07th February, 2024 issued by DSI IDC granting permission to the owner of Shed No.21 to carry out structure strengthening. The said letter dated 07th February, 2024 is reproduced hereinbelow:-

“ No. DSI IDC/2023-24/137

Date: 07.02.2024

To,
M/s Delhi Metal Works (GSI Constructions India Pvt. Ltd. – GPA & Possession Holder)
Shed no.21
Okhla Industrial Area Ph-III
New Delhi – 110020

This is with reference to your application and documents submitted on dated 05.01.2024 for permission to carry out the structure strengthening work of existing building.

Whereas, Shed no. 21, Okhla Industrial Estate, New Delhi allotted to M/s Delhi Metal Works and the lease agreement was executed on 17.04.1957 as per department records. On dated 05.02.2004, Agreement to sell & SPA was executed between M/s Delhi Metal Works & Sh. Kishore Kumar, Sh. Shyam Sunder Budhrajani. After that on dated 03.10.2011, Agreement to Sell & GPA was executed between Sh. Kishor Kumar, Sh. Shyam Sunder Budhrajani & M/s GSI Constructions India Pvt. Ltd.

To make the building safe & usable for general purpose, you have submitted structural strengthening drawings & design prepared by your MCD approved Structural Engineer and also got it vetted from a government institute.



In view of the above, the sub division has reviewed the drawings and those drawings are good for construction. You may proceed with the structure strengthening work and intimate us upon completion of the same.

*Assistant Engineer
Civil-IA, Okhla”*

5. He has also handed over a Building Plan as well as Certificate issued by the MCD qua property no.47, Okhla Industrial Area, New Delhi.
6. Learned counsel for DDA states that the alleged representation dated 13th April, 2024 has not been received by the Special Task Force (STF) till date.
7. Both the learned counsel for MCD and DDA state that the present writ petition has been filed with intent to malign the respondents and to extort money.
8. Keeping in view the fact that the present petition has been filed without doing adequate home work/investigation, this Court dismisses the present public interest petition along with the application with costs of Rs.25,000/- to be paid equally to the respondents i.e. MCD and DDA in four weeks.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

**MAY 29, 2024
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