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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12676/2021**
MR T R TAKULIA

.....Petitioner

Through: **Mr.Kamal R.Digpaul and
Mr.Pushpesh Digpaul, Advs.**

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

.....Respondents

Through: **Mr.Keshav Sehgal, Mr.Shivam Gaur
and Mr.Kshitij Joshi, Advs for R-3.
Mr.Krishna Kumar Sharma,
Mr.Pradeep Tiwari and Mr.Ruby
Sharma, Advs for R-6 & 7.
Mr.Ajay Yadav, Adv for R-8.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINdra KUMAR KAURAV

ORDER

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28.08.2024

1. The petitioner in the instant writ petition has prayed for the following reliefs:-

- "a) Issue a Writ of Mandamus to the Respondent no. 1 to 5 with a direction for removal of respondent no. 6 to 11 along with other encroachers from Block-D area admeasuring 320 sq. yds. of property in respondent no. 5 society;*
b) Issue an appropriate Writ Directing the Respondents to pay Cost of litigation to the Petitioner;
c) Any other relief, order or direction this court may deem fit and proper under the facts and circumstances of this case."

2. The affidavit filed by the respondent-Corporation indicates that the site in question was inspected and it was found that the alleged



Jhuggies/Quarters behind B- Block of the society do not fall in the Right of Way (RoW) of road/back lane or on Government land maintained by Division-I of South Zone, MCD.

3. In view of the aforesaid, the respondent-Corporation states that no action is warranted on the part of the said Maintenance Division-I of the South Zone, MCD.

4. The counter-affidavit was placed on record way back on 29.07.2022.

5. The petitioner has neither filed any rejoinder-affidavit nor it has been able to controvert the aforesaid submissions.

6. The Court also takes note of the existence of Special Task Force (STF) which has been constituted pursuant to directions passed by the Supreme Court. Therefore, if the petitioner has any grievance, the same can be agitated before the concerned STF.

7. Reserving that liberty in favour of the petitioner, at this stage, the Court is not inclined to keep the instant writ petition pending and accordingly disposes of the same alongwith the pending application(s), if any.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 28, 2024/MJ