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

+ **W.P.(C) 8641/2024, CM APPL. 35389/2024**

NAGMA SHEERIN AND ORS

.....Petitioner

Through: Mr. Ajjay Arora, Mr. Kapil Dutta,
Mr. Vansh Luthra, Advocates.

versus

**MUNICIPAL CORPORATION OF
DELHI AND ORS**

.....Respondent

Through: Mr. S. Hussain, Mr. Raghav Awasthi,
Advocates.
Ms. Sangeet Bharti, Standing Counsel
Ms. Malvi Balyan, Advocates.
Mr. Anuj Agarwal, ASC, Narayan
Singh, Advocate for R-2 and R-5.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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25.07.2024

1. This Court, on 18.07.2024, has passed the following order:-

"1.The respondent-MCD has filed the Status Report indicating the compliance of order dated 08.07.2024. However, the same does not seem to be on record.

2. Learned counsel for the respondent-MCD is directed to ensure that the same is brought on record positively before the next date of hearing.

3. When the Court asked the learned counsel for the petitioner as to why the interim order granted by the Division Bench of this Court should be continued in view of the fact that the petitioner has not been able to justify the construction in question, which has been raised without proper sanction from the respondent-MCD, he submits that the petitioner has been singled out by the respondent-



MCD on account of some personal grudge at the instance of a private individual.

4. Be that as it may, the petitioner shall be at liberty to take permissible legal remedy. However, in the instant case, the Court is concerned as to whether the respondent-MCD's action against the construction in question is in accordance with law or otherwise.

5. Let the petitioner to seek instructions and to assist this Court on the next date of hearing.

6. Interim order to continue till the next date of hearing.

7. List on 25.07.2024."

2. Learned counsel who appears for the petitioner makes various submissions indicating that the petitioner is the *bonafide* purchaser. He, however, is unable to justify as to how the construction in question is legally sustainable. In absence of there being a proper explanation to justify the construction in question, the Court is not inclined to entertain the instant writ petition.

3. The Court also takes note of the order dated 14.07.2023 which has been passed by the Appellate Tribunal-MCD in an appeal relating to the same property which was contested by the predecessor of the petitioner. It is also to be noted that *vide* order dated 02.02.2024, the appeal itself came to be dismissed by the said Tribunal.

4. The order dated 02.02.2024 reads as under:

"Reply to the application for condonation of delay filed. Copy supplied.

Arguments on application for condonation of delay heard.

Vide separate order of even date, dictated and announced in the open Court, the application filed under Section 5 of the Limitation Act is allowed. The delay caused in filing the accompanying appeal is condoned.

Arguments on appeal heard. Vide separate order of even date, dictated and announced in the open Court, the appeal filed by the appellant is dismissed. The record of the respondent be sent back alongwith copy of this order. Appeal file be consigned to record room after due compliance."



5. Let both the orders be placed on record.
6. Since the petitioner is unable to satisfy that the construction in question has been raised with due approval of the Municipal Corporation of Delhi, the Court is not inclined to entertain the instant petition and the same is accordingly dismissed. Pending application is also disposed of.

PURUSHAINDRA KUMAR KAURAV, J

JULY 25, 2024/KG