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

+ **W.P.(C) 15610/2022 & CM APPL. 48599/2022**

TARSEEM SINGH

.....Petitioner

Through: Ms. Shaziya and Mr. Daniyal Ayyubi,
Advts.

versus

**THE COMMISSIONER DELHI MUNICIPAL CORPORATION &
ORS.**

.....Respondents

Through: Mr. G. S. Oberoi, SC with Mr. Ankur
Sharma, Advts. for MCD.
Mr. Vishnu Kant Pandey and Ms.
Sarathi Yadav, Advts. for R-5 with R-5
in person.
Mr. Narender Pal Singh, Adv. for

DPCC.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

29.08.2024

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1. The petition at the instance of the close relative of the private respondents, seeks for the following directions: -

“a) Issue a writ of mandamus, writ of prohibition and any other writ, order or directions thereby directing the respondent no. 1 to observe its statutory duties and also take appropriate legal action against the illegal and unauthorized construction at Property bearing no. B-9, GURU RAM DASS NAGAR, LAXMI NAGAR, DELHI-110092 ADMEASURE ABOUT 50 Sq YARD Under the law; by sealing, demolishing and taking appropriate actions as per law, and further to direct the respondent no. 1 to take appropriate action against the misuse of the above mentioned premises.”

2. The Court *vide* order dated 07.08.2024 directed the respondent-



Corporation to place this matter before the Commissioner to assign the same for re-inspection by any other Officer than the one who had filed the affidavit.

3. The respondent-Corporation has placed on record further status report dated 23.08.2024 with an advance copy to learned counsel appearing for the petitioner.

4. There is no objection to the status report, however, learned counsel appearing for the petitioner prays for some time to enable her to place on record the objections thereto.

5. The request for filing objection to the status report is declined in view of the facts and situation obtained in the instant case as the status report dated 23.08.2024 unequivocally states that the property in question is old and occupied. As per the status report, the occupier only carried out certain coating of plastering/paint etc. and has not made any structural changes.

Paragraph Nos. 5 to 8 of the status report dated 23.08.2024 reads as under:

"5. That, in compliance of the order of Hon'ble High Court of Delhi as well as orders of Commissioner, Municipal Corporation of Delhi, the property bearing No. B-9-A, Guru Ram Dass Nagar, Laxmi Nagar, Delhi-110092 has been inspected by the undersigned along with the officials of Building Department on 22.08.2024.

6. That, it is to submit that the property in question consists of Ground Floor, First Floor & Second Floor in admeasuring area 50 square yards and the same was found to be constructed without valid permission from the department.

7. That, during the course of inspection, the property appears to be old & found occupied on all floors and no new construction is seemed to be carried out at site in recent past. The owner / occupier Sh. Inderjeet Singh Bedi has submitted in writing that he purchased this property on 24th June, 2022 and carried out repair works in shape of plaster, paint etc. after purchasing the property.

Further, the electric/water fittings of the property appeared to be old design and in dilapidated state. In addition, multiple coating of plastering



/paint was observed clearly visible in all floors inside of the property. Moreover, the roof slab of second floor is constructed of T-Iron girders (being rusted) and stones thus reflecting the old condition of the building. Photographs taken during the inspection are annexed herewith as Annexure R-1 (Colly).

In addition, local residents were also enquired in respect of year of construction (s) and it was informed by the local public that the property was constructed way back in past and only repair work has been carried out recently.

8. That, the department has written a letter on dated 16.08.2024 to the Business Manager (BSES-BYPL) Division East Guru Angad Nagar, Laxmi Nagar, Delhi-110092 and Ms. Seema Rawat, DGM CMG-LNR & KKD Div. BSES, BYPL wherein requested that details of any temporary electric connection for the purpose of construction/re-construction work was provided to the owner (s) of property bearing No. B-9-A, Guru Ram Dass Nagar, Laxmi Nagar, Delhi. In response to the letter dated 16.08.2024, Ms. Seema Rawat submitted the reply dated 22.08.2024 which was received in the office of EE(B)-II/SSZ through email on dated 23.08.2024 wherein it has been stated that "BSES Yamuna Power Limited has not released any temporary connection for the purpose of construction/ re-construction at premises bearing No. B-9-A, Guru Ram Dass Nagar, Laxmi Nagar, Delhi". Copy of letter dated 16.08.2024 and reply from BSES dated 22.08.2024 are annexed herewith as Annexure R-2 (colly)."

6. Learned counsel appearing for the respondent-Corporation has also pointed out from the Relinquishment Deed dated 29.04.2022 to indicate that the structure of the property as it stands today, stood recorded in the aforesaid Deed.

7. It appears that there is a property dispute among the petitioner and the private respondents. If the petitioner seeks for the enforcement of any civil right, the remedy would lie elsewhere.

8. The writ court under Article 226 of the Constitution of India normally cannot enter into disputed questions of fact for adjudicating private rights qua private parties. The writ proceedings cannot be a substitute for the civil suit.



9. Accordingly, the instant petition stands disposed of.
10. Learned counsel appearing for the respondent-Corporation is directed to place the status report dated 23.08.2024 in the digital record of the Court.

PURUSHAINDR KUMAR KAURAV, J
AUGUST 29, 2024/p