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

+ **W.P.(C) 10078/2024**

MS CHINTELS EXPORTS PVT LTD

.....Petitioner

Through: Mr. Parvinder Chauhan, Mr. Abhilash
Vashisht and Mr. Neeraj Vats, Advocates

versus

SDM (KAPASHERA)/STF (CHAIRPERSON)

.....Respondent

Through: Mr. Tushar Sannu and Mr. Sahaj
Karan Singh, Advocates for GNCTD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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23.07.2024

CM APPL. 41273/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 10078/2024 and CM APPL. 41272/2024 (stay)

3. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“(a) Issue a writ, order or direction in the nature of certiorari thereby calling forth the records of the Respondent in respect of Restraining Order dated 22.06.2024 and the Demolition Order dated 29.06.2024 in respect of 49 Bighas and 07 Biswas of land falling in Khasra No. 16//23/1 (4-07) & 25/2 (3-19), 22 (4-09) 17//21 (2-14), 18//1 (1-12), 10 (0-04), 19//10/2 (1-00), 15/2 (1-05), 2 (4-09), 3/1 (4-07), 5/2 (3-19), 6/1 (3-10), 20//14 (4-16), 15/1 (2-01), 16/2 (1-00), 17/1 (2-08), 6/3 (1-17), 7/3 (1-10) of village Nanakheri Sub Division Kapashera, New Delhi;

(b) After perusal of the records so called forth, issue a writ, order or direction in the nature of certiorari thereby quashing the impugned Restraining Order dated 22.06.2024 and the Demolition Order dated 29.06.2024 in respect of 49 Bighas and 07 Biswas of land falling in Khasra No. 16//23/1 (4-07) & 25/2 (3-19), 22 (4-09) 17//21 (2-14), 18//1 (1-12), 10 (0-04), 19//10/2 (1-00), 15/2 (1-05), 2 (4-09), 3/1 (4-07), 5/2 (3-19), 6/1 (3-10) 20//14 (4-16), 15/1 (2-01), 16/2 (1-00), 17/1 (2-08), 6/3 (1-



17), 7/3 (1-10) of village Nanakheri Sub Division Kapashera, New Delhi, and all consequent proceeding emanating therefrom;

(c) Issue a writ, order or direction in the nature of prohibition thereby directing the Respondent to not cause any interference in construction of boundary wall over the subject land in terms of the Unified building bye laws for Delhi 2016;

(d) Pass such other and further orders that this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case in favour of the Petitioner and against the Respondent as in the interest of justice.”

4. Issue notice.

5. Mr. Tushar Sannu, learned counsel accepts notice on behalf of the Respondent and submits that the representation made by the Petitioner on 01.07.2024 is pending before the concerned Sub-Divisional Magistrate (SDM) and the same will be decided within a period of two weeks from today. On instructions, it is stated that certain documents are required to be furnished by the Petitioner, which he may be directed to furnish before the decision is taken.

6. In view of the above, the writ petition is disposed of directing the concerned SDM to dispose of the representation dated 01.07.2024 within four weeks from today. Petitioner will be informed of the documents required to be furnished by him and on receiving the information, Petitioner shall furnish the requisite documents in two days. Pending application also stands disposed of.

7. No coercive action including demolition of the existing boundary wall will be taken by the Respondent for a period of 10 days after the decision is communicated to the Petitioner, to enable him to take recourse to legal remedies.

JYOTI SINGH, J

JULY 23, 2024/kks