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

+ W.P.(C) 11927/2024 & CM APPL. 49614/2024

NEERAJ JAIN & ANR.

.....Petitioners

Through: Mr. Amit Punj, Advocate.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Beenashaw Soni, SC MCD
with Ms. Mansi Jain and Ms. Ann
Joseph, Advocates.

Ms. Rachita Garg, Mr. Agam
Rajput and Ms. Preeti, Advocates
for R-1.

Ms. Niyati Sharma, SPC with Mr.
Abhinav Bhardwaj, Advocate for
UOI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.10.2024

1. By way of this petition, under Article 226 of the Constitution, the petitioner seeks a direction that the respondents will not construct any road on the private property of the petitioner bearing. *Khasra No. 40/21 (4-17), situated in village Khera Kalan, Delhi.*

2. Pursuant to order dated 11.09.2024, Municipal Corporation of Delhi ["MCD"] has filed an affidavit before this Court which states as follows:

"3. That at the outset it is stated that respondent/MCD is carrying out its work in accordance with law and no illegal and arbitrary action of constructing the road has been carried out by the answering respondent as alleged by the petitioner.

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4. It is stated that a tender was floated and subsequently a work order dated 22.07.2024 was passed for the improvement, repair and development of lane in village Khera Garhi in ward no. 29, Narela Zone. The said work order is annexed here as Annexure-A.

5. It is further submitted that respondent/MCD never had any intention to construct any road/raasta on the private land of the petitioner and has neither constructed any road nor will carry out any construction in the private land of the petitioner. It is further submitted that the petitioner was already informed about this by the officials of the MCD.

6. It is further submitted that the Respondent/MCD is executed the work strictly in terms of the work order passed without disturbing or interfering with anyone possession of the land.”

3. In view of the aforesaid, learned counsel for the petitioner states that the grievances raised in this petition do not survive, and therefore no further orders are required in this writ petition, which stands disposed of, alongwith the pending application.

PRATEEK JALAN, J

OCTOBER 21, 2024
SS/