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

+ **W.P.(C) 12805/2024**

ISHRAT AADIL

.....Petitioner

Through: **Mr.Amit Srivastava with Ms.Uzma
and Mr.Manish panchal, Advocates.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: **Mr.Abhinav Sharma with
Mr.Mahender Shukla, Advocates for
R-1/MCD (Through VC)
Mr.Mukul Singh, CGSC with Ms.Ira
Singh and Mr.Utsav Pokhriyal,
Advocates for R-2 & 4.**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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09.10.2024

C.M.No.59947/2024

1. Exemption allowed, subject to all just exceptions.
2. Accordingly, the application stands disposed of

C.M.No.59944/2024

3. Present application has been filed by the petitioner/applicant seeking deletion of paragraph 3 of the order dated 12th September, 2024 wherein this Court had disposed of the underlying writ with a direction to the STF to dispose of the petitioner's representation dated 22nd July, 2024.
4. Learned counsel for the applicant states that the factum as mentioned in paragraph 3 of the order that the applicant/petitioner's property was adjoining the subject property and thereby respondent no.6 has encroached



upon the applicant/petitioner's property as well by breaking the walls of the applicant/petitioner's property was mentioned at paragraph no.19 of ground D of the present writ petition inadvertently owing to a mistake on behalf of the applicant/petitioner's counsel.

5. He states that the applicant/petitioner had intended to submit that the respondent no. 5 had encroached upon property belonging to the DDA and not upon the applicant/petitioner's property. He submits that it was this statement of facts only that was brought to the attention of the STF *vide* the representation dated 22nd July, 2024.

6. He states that the error made in the petition was purely unintentional and without any *mala fide* intention.

7. Issue notice.

8. Mr.Abhinav Sharma, Advocate accepts notice on behalf of respondent no.1 and Mr.Mukul Singh, Advocate accepts notice on behalf of respondent nos.2 & 4.

9. Keeping in view the aforesaid averments in the application, paragraph 3 of the order dated 12th September, 2024 is deleted and the order dated 12th September, 2024 shall now read as under:-

“W.P.(C) 12805/2024 & CM APPLs. 53391-53392/2024

ISHRAT AADIL

.....Petitioner

Through: Mr. Amit Srivastava, Advocate with Ms. Uzma Quraishi, Mr. Jamshed Alam and Mr. Manish Panchal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Mukul Singh, CGSC with Ms. Ira Singh, Advocate for respondents No.2 and 4.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA



ORDER

12.09.2024

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1. Present public interest petition has been filed seeking directions to the respondents to demolish the purported illegal and unauthorised construction allegedly raised by the respondent No.6 at the property bearing no. XV/3551, Dariba Pan, Pahar Ganj, Delhi-110055, ad measuring approximately 80 sq. yards.
2. Learned counsel for the petitioner states that the subject property belongs to DDA, upon which the respondent No.6 has encroached and commenced construction without obtaining any sanction plan or necessary approvals. He further states that the construction is being carried out by using substandard materials and the structure also poses a risk to the neighbours.
3. He further states that the petitioner has raised his grievance with the respondent authorities by filing a representation dated 22nd July, 2024, but no action has been taken on the same. He contends that the respondent authorities are acting in collusion with respondent No.6 by protecting him and taking no action against the said illegal construction.
4. Learned counsel for STF, who appears on advance notice, states that the petitioner's representation is under consideration.
5. Keeping in view the aforesaid, present writ petition and applications are disposed of with a direction to the STF to decide the petitioner's representation dated 22nd July, 2024 in accordance with law as expeditiously as possible. If any action is required to be taken in pursuance to the said decision, the same shall also be taken expeditiously.
6. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 12, 2024

Js"

10. Accordingly, the application stands disposed of.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

OCTOBER 9, 2024

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