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

+ **W.P.(C) 9717/2024 & CM APPL. 13306/2025**

SH DAVINDER PAL SINGH SAWHNEYPetitioner

Through: Mr. Tejaswi Kumar, Advocate
Mob: 9953811859
Email: tejaswisrivastava@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Ashutosh Gupta, ASC for MCD
Mob: 9891826827
Email: ashutosh.adv10@gmail.com
Mr. Vikalp Mudgal, Advocate with
Mr. Prakhar Khanna, Advocate along
with respondent no. 4
Mob: 9811933231
Email:
associate@sikrilawchambers.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
27.05.2025

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CM APPL. 13306/2025

1. The present application has been filed on behalf of the petitioner under Section 151 of the Code of Civil Procedure, 1908 ("CPC") for recalling of the order dated 6th February, 2025.
2. Learned counsel appearing for the petitioner submits that the absence of the petitioner and his counsel on 6th February, 2025, was not deliberate.
3. It is submitted that *vide* order dated 6th February, 2025, the petition



was disposed of, in the absence of the petitioner. He submits that some portion of the petitioner's property has been encroached upon by the respondent no. 4, while constructing his property.

4. *Per contra*, learned counsel appearing for respondent nos. 1 to 3- Municipal Corporation of Delhi ("MCD"), draws the attention of this Court to the Status Report dated 14th October, 2024, wherein, it has been stated as follows:

"xxx xxx xxx"

3. That in continuation of earlier report filed, it is further submitted that a request was made by the Building Department-II, West Zone/MCD to Maintenance Department-II, West Zone/MCD to check whether any encroachment is there in property bearing No. A-2/197, Janakpuri, New Delhi or not so that report regarding encroachment may be filed before the Hon'ble Court.

4. That in response to said request the Maintenance Department-II, West Zone/MCD got inspected the aforesaid property and reported that there is no encroachment in the said property."

5. Learned counsel appearing for the respondents-MCD further submits that the construction in the property of respondent no. 4, already stands regularized.

6. Responding to the same, learned counsel appearing for the petitioner submits that no Inspection Report has been placed by the respondents before this Court.

7. Considering the submission made before this Court, the MCD is directed to inspect the property of the petitioner, as well as the respondent no. 4, and measure the area of the respective plots.

8. The MCD shall file its Inspection Report, clearly giving the measurements and the area of the plots of the petitioner as well as respondent no. 4.



9. The said Inspection Report shall be filed by the MCD, within a period of four weeks from today.
10. The petitioner as well as respondent no. 4, are also directed to file their Sale Deeds to show the area, which is reflected in their respective Sale Deeds.
11. Re-notify on 21st July, 2025.

MINI PUSHKARNA, J.

MAY 27, 2025
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