

CS DJ 39/22

JAGVEER SINGH Vs. NARENDER KUMAR AND ORS.

17.08.2022

Present: Plaintiff in person with Sh Virender Singh, Id.
counsel for plaintiff.
Sh P K Dixit, Id counsel for D-1.
Ms Vasu Singh, Id. counsel for D-2/NDMC.
Sh Manoj Gupta, AE, Building, MCD, Civil
Lines/D-2.
SHO Sh Naresh with SI Mohit, PS Swaroop Nagar.

Heard. Perused.

An application u/o VII Rule 11 CPC filed by D-1.
Same is taken on record. Copy supplied.

SHO PS Swaroop Nagar filed the action taken report
qua SI Mohit.

It is stated by SHO PS Swaroop Nagar that show
cause notice has been issued to SI Mohit and reply is pending. He
further stated that on the NDOH he will apprise the court about
the action taken on SI Mohit for his negligent conduct. SHO PS
Swaroop Nagar submitted that whenever an unauthorised
construction is built up in the area within the jurisdiction of PS
Swaroop Nagar the concerned officer informed the MCD about
the same and whenever a assistance is sought by the MCD, the
SHO send the required numbers of police officials at the site.

SHO PS Swaroop Nagar is directed to place on
record all the communications sent to MCD regarding the
unauthorised construction and action taken by MCD with the

police assistance on the booked properties.

AE Civil Lines has stated that a letter dated 11.08.2022 bearing no. 2155/EE(B)-II/CLZ/2022 has been sent to the Deputy Director, Land Management, North, DDA, LU Block Pitampura, Delhi. It is stated that till date no communication has been received from the concerned officer of DDA. He seeks further time to clarify whether the suit property falls within the jurisdiction of DDA or MCD. The aforesaid letter is taken on record. AE Civil Lines also filed some printout copy of documents title as Zonal Development Plan of Zone C (Civil Line Zones) and Zone P-II (North, Delhi). On raising query about the aforesaid documents, AE failed to show how the suit property falls in the jurisdiction of DDA.

On raising query about the unauthorised construction booked in the area of Libaspur and Swaroop Nagar, Delhi, AE MCD stated that he has no knowledge about the properties booked by MCD in the area of Libaspur and Swaroop Nagar, Delhi.

This court has noted that on every date whenever a query is asked from the AE MCD, he takes adjournment on frivolous grounds stating that he has no knowledge about the same.

AE MCD is a public servant working in building department of MCD, Civil Lines and he is supposed to have atleast the knowledge of booking of unauthorised construction in a particular area. Swaroop Nagar and Libaspur where the suit property falls is comes within the jurisdiction of Civil Lines Zone however AE flatly refused that he has no knowledge about the booked properties in this area.

In view of above, Executive Engineer, Building, Civil Lines Zone, Delhi is directed to appear on the NDOH alongwith the list of the properties booked in Libaspur and Swaroop Nagar Area. Executive Engineer is also directed to place on record the relevant document by which the suit property falls in the jurisdiction of DDA as stated by AE MCD.

Replication qua D-1 not filed.

Plaintiff is directed to file replication alongwith reply to application u/o VII Rule 11 CPC qua D-1 within two weeks with advance copy to the opposite party.

Put up on **20.09.2022**.

(Surender Mohit Singh)
ADJ-04, North, Rohini Courts,
Delhi/17.08.2022