

ALOK KUMAR SINHA Vs. SAJAL KUMAR SINHA**25.04.2023**

Present: Sh. Anil Kumar, Ld. Counsel for plaintiff.

Sh. S. K. Verma, Ld. Counsel for defendant no. 1.

Sh. S. S. Meena, Assistant Engineer (Bldg.)-I,
Keshav Puram Zone.

Written statement as filed on behalf of defendant no. 1 on 13.01.2023 is on file. The same is taken on record in terms of order dated 20.12.2022. Replication to the written statement of defendant no. 1 is filed by Ld. Counsel for plaintiff. Copy of the same is supplied to Ld. Counsel for defendant no. 1.

Written statement on behalf of defendant no. 2 / MCD as filed on 17.01.2023 is on file. The same is not filed with any application seeking condonation of delay in filing the same, however its replication is filed by Ld. Counsel for plaintiff today and it is submitted that same may be taken on file. Considering the facts, written statement of defendant no. 2 is taken on file. Copy of replication to the written statement of defendant no. 2 is supplied to the employee appearing on behalf of defendant no. 2.

Some documents with list of documents are also filed by Ld. Counsel for plaintiff. Copy of the same is supplied to Ld. Counsel for opposite party.

Sh. S. S. Meena (AE) has filed the status report. In the written statement filed by defendant no. 2, it is averred that the suit is not maintainable and has become infructuous as action

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has already been taken qua unauthorized construction by MCD. It is also averred that suit is not maintainable for want of impleadment of Land Acquisition Collector as the part of the plot has been acquired.

In the replication filed by plaintiff to the written statement of defendant no. 2, the averments about the action taken is denied whereas in respect of averment of the acquirement of the part of the plot it is averred that it needs no reply.

In the facts and circumstances of the case, in respect of the issue regarding the relief of mandatory injunction for removal/ demolition of illegal and unauthorized construction, the examination of the parties is required and official of the defendant no. 2 who is having knowledge of the entire facts and is responsible to take appropriate action qua unauthorized construction or its demolition, is granted opportunity to appear for his examination for **18.07.2023**.

(SUNIL CHAUDHARY)
ADJ-04/North-West
RHC/Delhi 25.04.2023