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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 631/2024 & CM APPL. 22860-22861/2024**
ISHAQ Petitioner
Through: Mr. Sumit Gaba, Adv.
versus

GYANESH BHARTI COMMISSIONER MUNICIPAL CORPORATION OF DELHI & ORS. Respondents
Through: Mr. Sanjeev Singh, Adv. for R-1 to 3.
M: 9810127354

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
22.04.2024

CM APPL. 22861/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 631/2024 & CM APPL. 22860/2024

3. The present petition has been filed alleging willful disobedience of the order dated 20th November, 2023 passed by the Coordinate Bench of this Court in *W.P.(C) No. 14362/2023*, wherein it was directed that the respondents herein shall take action against the plot bearing No.WZ-29, Tihar Village, Khasra No. 1575, New Delhi, in accordance with law.
4. Learned counsel appearing for the petitioner submits that the respondents have taken action against the property of the petitioner without following the due process of law.
5. It is submitted that the petitioner is the owner/occupier of the aforesaid property measuring 550 sq. yards.
6. Per contra, learned counsel appearing for the respondent-Municipal



Corporation of Delhi (“MCD”) submits that the structure, against which action has been taken, is not within the premises of the petitioner, but on the public land in the form of a temporary structure.

7. He further submits that a Show Cause Notice had duly been issued to the petitioner on 13th October, 2023. He also submits that for removal of any temporary structure on public land, no Show Cause Notice or any kind of hearing is required to be given by the MCD, but in this case a Show Cause Notice dated 13th October, 2023 had been issued.

8. Let all the facts along with the documents be brought on record by way of an affidavit.

9. Let the needful be done within a period of two weeks.

10. Rejoinder thereto, if any, be filed within one week thereafter.

11. At this stage, learned counsel appearing for the petitioner submits that respondents have seized the articles of the petitioner, which ought to be released to the petitioner.

12. Learned counsel appearing for the respondents submits that he has no instruction in this regard.

13. Be that as it may, liberty is granted to the petitioner, to approach the MCD with an application to release his articles, if any, that have been seized by the MCD. Upon the petitioner approaching the respondents, the articles/goods of the petitioner shall be released, in accordance with the Policy of the MCD.

14. Re-notify on 24th May, 2024.

MINI PUSHKARNA, J

APRIL 22, 2024/kr