



\$~55

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

+ **W.P.(C) 11744/2022**

SMT. SANTOSH & ORS.

..... Petitioners

Through: Ms. Suruchi Mittal, Advocate

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

..... Respondents

Through: Mr. Ratul Sharma, Advocate for
respondent No. 1.

Mr. Mohit Bhardwaj, Advocate for
respondents No. 2 to 4.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **08.08.2022**

CM.APPL No. 34945/2022 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 11744/2022 & CM. APPL. No. 34946/2022

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioners, who claim themselves to be owners/occupiers of property bearing *MA No. 305, Khasra No. 665, Gokul Pur in the abadi of Amar Colony, Harijan Basti, Gokulpur, Illaqa Shahdara, Delhi – 110094* (hereinafter, referred to as the 'subject property'), are aggrieved by the illegal and unauthorised construction stated to be carried out at the behest of some unknown persons at the subject property.
2. Learned counsel for the petitioners submits that various complaints including criminal complaint has been addressed to the concerned



authorities, however no action has been taken till date.

3. Issue notice.

4. Mr. Ratul Sharma, learned counsel for respondent No. 1/MCD accepts notice. Mr. Mohit Bhardwaj, Advocate also accepts notice on behalf of respondent Nos. 2 to 4.

5. Learned counsel for respondent No. 1, on instructions, submits that the subject property, in fact, has been identified as property No. A-295, *Khasra No. 676/2, Main Mangal Road, Amar Colony, East Gokulpur, Delhi* and stands booked on 27.06.2022. He, on instructions, also submits that demolition notice has also been issued by the answering respondent to one *Safal* (owner/occupier) of the said building. A copy of the same has been handed over in Court, which is taken on record.

6. Learned counsel for the petitioners has disputed that the property is being occupied by one *Safal*.

7. Be that as it may, respondent No. 1 shall carry out an inspection on 10.08.2022 at 11 a.m. in the presence of the petitioners/their counsel for removal of any doubts as to the identification of the subject property.

8. Re-notify on 31.01.2023.

MANOJ KUMAR OHRI, J

AUGUST 8, 2022/v

[Click here to check corrigendum, if any](#)