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

+ **CONT.CAS(C) 834/2020**

SH. HIMANSHU

..... Petitioner

Through: Mr. Prashant Chaudhary and Mr.
Vivek Sharma, Advocates

versus

DR. DILRAJ KAUR COMMISSIONER EDMC Respondent

Through: Mr. Abhinav Singh, Advocate for R-2
Mr. Mukesh Gupta, Standing Counsel
for MCD with Mr. S.L. Meena, AE
(MCD) and Mr. V.B. Pawan, JE
(MCD)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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26.05.2023

1. The learned counsel for the Respondent No.2, Sub-Registrar (IV-A), Shahdara has handed over a status report dated 26.05.2023. He is directed to have the said report placed on record.

1.1. In the said status report, Respondent No.2 has disclosed that the said office registered 8 sale deeds with respect to Property No. C-73, Gali no. 7, West Jyoti Nagar, Delhi between 11.02.2021 and 28.12.2021. However, it is only with respect to the one (1) sale deed, which was registered on 28.12.2021 that the 'red stamp' has been affixed.

1.2. In reply, the learned counsel for the Respondent No.1, Municipal Corporation of Delhi ('MCD') states that the Respondent No. 2, Sub-Registrar (IV-A), Shahdara has been duly informed by MCD about the fact of



the booking of this property *vide* intimation dated 24.09.2019. He has handed over a copy of the said communication during the course of hearing and provided the same to the counsel for Respondent No.2.

1.3. In these facts, Respondent no. 2, Sub-Registrar (IV-A), Shahdara is directed to file an affidavit, within a period of four (4) weeks, on record explaining the circumstances in which no 'red stamp' has been affixed in the first seven (7) sale deeds (registered between 11.02.2021 and 14.10.2021) considering the fact that the said property was booked for unauthorized construction by MCD as far back as on 30.07.2019 and a notice was also issued on 24.09.2019.

2. The learned standing counsel for Respondent No. 1, MCD states that he has filed a status report dated 24.05.2023 placing on record the facts pertaining to the action taken with respect to property bearing no. C-73, West Jyoti Nagar, Delhi and Property No. B-15, West Jyoti Nagar, Delhi. He is directed to have the same placed on record.

2.1 He has also handed over photographs with respect to the demolition action carried out on 25.05.2023. He is directed to have the status report and the photographs placed on record.

2.2 He states that the demolition action was carried out on both the said properties on 25.05.2023 and further action is scheduled on 02.06.2023.

3. The concerned SHO of PS, Jyoti Nagar, West is directed to provide all necessary police force to the Respondent No. 1, MCD for the demolition action scheduled on 02.06.2023 and on any subsequent dates thereafter.

3.1 Mr. Abhinav Singh, Advocate, who is present in Court is directed to communicate the said order to the concerned SHO, PS Jyoti Nagar, West.

3.2 In these circumstances the SHO, PS Jyoti Nagar, West is impleaded as



Respondent No.3 and Mr. Abhinav Singh, Advocate accepts notice on behalf of Respondent No.3.

4. The Petitioner is directed to file an amended memo of parties within a period of one (1) week.

5. List on 16.11.2023.

MANMEET PRITAM SINGH ARORA, J

MAY 26, 2023/hp/ms