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

+ **CS(OS) 595/2021**

RAJESH GUPTA AND ANR

..... Plaintiffs

Through: Mr. Rahul Mehra and Mr. Kunal
Kalra, Advocates appeared through
VC

versus

DELHI DEVELOPMENT AUTHORITY AND ORS Defendants

Through: Mr. Rajeev Lochan Mahunta,
Advocate for Defendant no.1/DDA
appeared physically
Mr. Vikrant N. Goyal, Mr. Shikhar
Sardana, Mr. Ajay Singh, Advocates
for Respondent nos. 2 and 3 appeared
physically

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH,
(DHJS)**

ORDER

% **21.09.2022**

Matter is taken up through physical hearing as well as video conferencing.

IA No. 14975/2021 (application filed by the plaintiffs u/O XXXIX Rules 1 and 2 CPC r/w Section 151 CPC)

And

IA No. 14976/2021 (application filed by the plaintiffs u/S 477, 478 of the DMC Act and Section 80 r/w Section 151 CPC)

Reply not filed by defendants.

CS(OS) 595/2021

As per file noting, status report has been filed by the SDMC in which it is mentioned that plaintiff has raised unauthorized constructions on the

CS(OS) 595/2021

Page 1 of 2



road and the matter is pending in Appeal No. 287/2020 titled as 'Rajesh Gupta Vs. South DMC' before the learned Appellate Tribunal MCD, Tis Hazari Courts, Delhi as SDMC had been initiated demolition proceedings u/S 343/344 of the DMC Act 1957 against fresh unauthorized construction and the sealing proceedings u/S 345-A were also initiated against unauthorized construction, due to which plaintiff has challenged the sealing orders before the Appellate Tribunal MCD. However, it is mentioned in the status report that MCD is not the owner of the land.

Learned counsel for DDA/Defendant no.1 has stated that DDA has filed written statement in which it is mentioned that the land belongs to MCD, but he will take instructions from defendant no.1, keeping in view the fresh status report filed on record by SDMC. At request, learned counsel for respondent nos. 2 and 3 is directed to supply the copy of the status report by way of e-mail to learned counsel for the plaintiff as well as learned counsel for defendant no.1.

As per file noting, written statement of defendant no.1 is lying under objections since December, 2021. Learned counsel for defendant no.1 has stated that he had filed affidavit of admission/denial and removed the objections in filing written statement vide Dy. No. 1588287/2022. He is directed to verify with the Registry and to get it placed on record within one week.

Put up for further proceedings on 21st December, 2022.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 21, 2022/savita