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

+ **W.P.(C) 15874/2022**

DEEPAK KUMAR AND ORS.

..... Petitioners

Through: Mr. Ajit Kumar Sinha, Sr. Advocate
with Mr. Srijan Sinha and Mr. Naveen Soni,
Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondents

Through: Mr. Badar Mahmood, Standing Counsel
for MCD
Ms. Mrinalini Sen, Standing Counsel for DDA

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **18.11.2022**

CM APPL. 49410/2022 (exemption)

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

**W.P.(C) 15874/2022, CM APPL. 49409/2022 (Direction) and
CM APPL. 49411/2022 (Permission to file lengthy list of dates)**

1. By way of the present petition filed under Article 226 of the Constitution of India, the petitioners who claim that their ancestors were refugees and resettled at Subhash Nagar under the Relief and Rehabilitation Policy, 2007 submit that their premises bearing shop No.WZ/1A, Block No. 2, Subhash Nagar, New Delhi (hereinafter, referred to as the 'subject



premises’) have been sealed by MCD in pursuance of show cause notice dated 22.03.2013 and vacation notice dated 10.04.2013.

2. Mr. Ajit Kumar Sinha, learned Senior Counsel for the petitioners submits that the MCD has no jurisdiction on the aforesaid land in terms of the reply dated 16.09.2014 given by respondent No. 2 in response to information sought by the petitioners under the RTI Act. Reference is also made to the communication dated 04.07.2019 issued by respondent No. 2. It is also submitted that out of 27 shops existing at the said land, only 7 shops have been selectively sealed by the MCD/respondent No. 1.

3. Issue notice.

4. Learned counsels, as above, accept notice for the respective respondents. Reply/counter affidavit, if any, be filed before the next date of hearing with an advance copy of the same to the other side.

5. Issue notice to respondent No. 2, by all permissible modes, returnable on 23.01.2023.

MANOJ KUMAR OHRI, J

NOVEMBER 18, 2022

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