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

+ CONT.CAS(C) 604/2014 & CM APPL. 13874/2014

SHANKAR GARDEN WELFARE
ASSOCIATION & ANR

..... Petitioner

Through: None.

versus

MANISH GUPTA & OTHERS

..... Respondent

Through: Mr. Satyakam, ASC with Ms. Pallavi Singh, Advocate.
Ms. Shobhana Takiar, Standing Counsel, DDA with Mr. Kuljeet Singh, Advocate.
Mr. Mukesh Gupta, Advocate for MCD.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **19.01.2023**

1. The matter was passed over.
2. None appears for the Petitioner even at the pass over stage.
3. Mr. Mukesh Gupta, counsel for Respondent No.1, Municipal Corporation of Delhi ('MCD'), states that encroachment which exists on the three parcels of land earmarked for, the community centre, religious centre and the commercial shop complex, are not under the jurisdiction and control of MCD. He states MCD is not the land-owning agency for the said three parcels and therefore, not responsible for the rehabilitation of the said *basti*. He states that the rehabilitation policy, if any, applicable to the said *basti* is an issue within the exclusive domain of the DUSIB.



4. He states that the MCD admits that the Right of Way (RoW) is under its jurisdiction and control; and all encroachments on RoW have been removed.

5. This matter was called out twice as all counsel were not present. Considering that this matter pertains to the year 2014, it is directed that the concerned counsel who are representing the Respondents be present on the next date of hearing with instructions so that the issue of compliance arising in the petition can be conclusively complied with. The concerned officer of the Respondents is also directed to remain present on the next date of hearing.

6. Adjourned to 14.02.2023.

MANMEET PRITAM SINGH ARORA, J

JANUARY 19, 2023/msh/aa