

Sneh Lata & Ors vs North Delhi Municipal Corporation & Anr on 18 January, 2019

Author: Anup Jairam Bhambhani

Bench: Anup Jairam Bhambhani

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No.14086/2018 & CM APP No. 54916-18/2018

SNEH LATA & ORS

..... Petitioners

Through: Mr. Anurag Ojha and Mr. Kanishk
Arora, Advocates

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr. Mukesh Gupta, Standing counsel
for NDMC

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 18.01.2019 Reply/status report as directed by order dated 28.12.2018 has not been filed by respondent No. 1. However a copy of the same is shown in court, whereby it appears that the subject property has been booked on two occasions and show cause notices, demolition orders and vacation notice have also been issued to the petitioner.

Let the status report be filed and placed on record. On the other hand, counsel for the petitioner disputes that the aforesaid communications from respondent No.1 were ever received. He submits that only notices dated 13.12.2018 and 19.12.2018 were received by him on 20.12.2018, subsequent whereupon he filed the present petition.

He further submits that in a suit between the petitioner and respondent No.2 being CS No. 441/2017 titled Rajinder Singh Tanwar vs. Snehlata & Ors, respondent No. 1 (a defendant in the suit), has taken a stand that the area in which the subject property is situate does not fall within the jurisdiction of the North DMC since no municipal facility has been provided by North DMC, nor has the area been notified to be within its jurisdiction. He submits that if the subject property does not fall within municipal jurisdiction, then the alternate remedy of approaching the Appellate Tribunal, MCD would not be available to the petitioner under the law.

Let an additional affidavit be filed by the petitioner placing on record the relevant pleadings and documents relating in CS No. 441/2017. Since it is the petitioner's stand that there is no unauthorized construction in the subject property, let the petitioner also place on record the

sanctioned building plan that he would have obtained in relation to the construction that exists on the subject property.

List for consideration on 9th April, 2019.

ANUP JAIRAM BHAMBHANI, J.

JANUARY 18, 2019/sk