
(2021) 07 DEL CK 0028

In the Delhi High Court

Case No : Civil Writ Petition No. 4801 Of 2021, Civil Miscellaneous Application
No. 14826 Of 2021

Jogender Kumar

APPELLANT

Vs

East Delhi Municipal Corporation & Anr

RESPONDENT

Date of Decision : 05-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 207

Citation : (2021) 07 DEL CK 0028

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Akhil Sachar, Sunanda Tulsyan, Divanshu, Arun K. Chauhan

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent, Municipal Corporation to demolish the alleged illegal and unauthorized construction being raised by respondent No.2 in property number D-311, Gali No.14, New Ashok Nagar, East Delhi.
3. The petitioner is a resident of property number D-303, Gali No.14, New Ashok Nagar, East Delhi.
4. Learned counsel appearing for respondent No.2, on advance notice, submits that selective action is sought to be taken against the property of the respondent as respondent is a witness to a Kalandara, which has been registered against the petitioner under Section 207 Cr.P.C.
5. He further submits that a demolition notice was issued in the name of the son of respondent No.2 with whom respondent No.2 has strained

relations. Further, respondent No.2 has already filed an appeal which is pending before the Appellate Tribunal, MCD.

6. Learned counsel appearing for the respondent, Corporation submits that part demolition action was taken on 27.12.2019 and a further demolition

notice has been issued on 19.04.2021. He, however, concedes that respondent No.2 has already filed an appeal before the Appellate Tribunal, MCD.

7. Learned counsel submits that that further action shall be taken by the respondent, Corporation in accordance with law and subject to orders to be passed by the Appellate Tribunal, MCD.

8. In view of the above statement of learned counsel for respondents, no further orders are called for in the writ petition. The petition is accordingly disposed of.

9. However, this is without prejudice to the rights and contentions of the parties and without opining on the objection taken by respondent No.2 with regard to the locus of the petitioner to file the petition. Said issue is left open.

10. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.