

(2008) 03 DEL CK 0253

In the Delhi High Court

Case No : Writ Petition (C) 17298 of 2006 and C.M. 2203 and 4269 of 2008

S.N. Awasthi

APPELLANT

Vs

M.C.D. and Others

RESPONDENT

Date of Decision : 19-03-2008

Acts Referred:

Citation : (2008) 03 DEL CK 0253

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : S.C. Singhal, for the Appellant; Ajay Arora and Kapil Dutta for MCD, S. Fatma, for Respondents 3-4, Rishi Manchanda, Local Commissioner, S.P. Mehta and Party-in-Person, for the Respondent

Judgement

Sanjiv Khanna, J.—Pursuant to the last order and as there was dispute whether encroachments made in the public street had been removed, I had appointed Mr. Rishi Manchanda, advocate as a Local Commissioner. The lay out plan of the area in question was also furnished to Mr. Rishi Manchanda, advocate to report whether there was any encroachment on public land by the private respondents.

2. Mr. Rishi Manchanda, advocate has filed his report stating, inter alia, that the public street/gali is clear/from all encroachments. He has also filed photographs in support of the said statement. It is also mentioned in his report that earlier possibly some persons had encroached upon the gali/public street but encroachments have been removed.

3. In view of the report filed by the Local Commissioner, I do not think any further orders are required to be passed in the present writ petition. MCD will ensure that the public street is not encroached upon and the respondents also directed not to encroach the public street. Periodical inspection of the area at least once in every two months will be done by the Officers of MCD and they shall maintain a spot visit register in this regard. The register will be handed over to the new incumbent whenever there is change of Officer and the new Officer will confirm the factual situation stated in the register.

4. Learned Counsel for MCD states that action as per law will be taken, if there is any unauthorized construction or encroachments by the petitioner.

5. In these circumstances, I am not inclined to pass any further order on any application or the writ petition. The writ petition and the applications are disposed of.