

ITEM NO.42

COURT NO.10

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 30333/2015

(Arising out of impugned final judgment and order dated 06-08-2015 in CM No. 9308/2015 06-08-2015 in WPC No. 4572/2007 passed by the High Court of Delhi at New Delhi)

MUNICIPAL CORPORATION OF DELHI (NORTH)

Petitioner(s)

VERSUS

MANUSHI SANGATHAN & ORS.

Respondent(s)

Date : 16-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Ms. Madhu Tewatia, Adv.
Mr. Praveen Swarup, AOR
Mr. Ajay Kumar Giri, Adv.

Mr. Anil Kumar Mishra, Adv.
Mr. Anurag Singh, Adv.

For Respondent(s) Mr. Sandeep Sethi, ASG.
Ms. V. Mohana, Sr. Adv.
Mr. Aman Sinha, Sr. Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Manjula Gupta, Adv.
Mr. S.S. Ray, Adv.
Mr. B.V. Balramdas, Adv.
Ms. Perna Priyadarshini, Adv.
Mr. Raj Bahadur, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. B. Krishna Prasad, AOR

Ms. Indira Unninar, Adv.
Ms. Madhumita Bhattacharjee, AOR
Mr. Narayan Krishan, Adv.
Mr. Bibin Kurian, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Mr. Sandeep Sethi, learned Additional Solicitor General states that the encroachment in question has been removed and responsibility to remove the encroachment is of the Municipal Corporation.

In this connection, our attention has been drawn to Section 317 (2) of the Delhi Corporation Act, 1957 which casts an obligation on the Commissioner of the Municipal Corporation to remove the encroachment. Thus, responsibility to remove the encroachment is primarily of the Municipal Corporation. However, in such an endeavour, Government must extend a support to corporation.

With this clarification, the special leave petition is disposed of.

Pending applications, if any, are also stand disposed of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER