

ITEM NO.3

COURT NO.3

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).25698/2018

[Arising out of impugned final judgment and order dated 10-09-2018 in WP(C) No.10832/2016 passed by the High Court of Delhi at New Delhi]

DELHI LIBRARY BOARD

Petitioner(s)

VERSUS

NORTH DELHI MUNICIPAL CORPORATION &amp; ORS.

Respondent(s)

([ONLY IA NO. 141512/2018 IS LISTED UNDER THIS ITEM]  
IA No.141512/2018 - CLARIFICATION/DIRECTION)

Date : 25-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Yashpal Singh, Adv.  
Mr. Hitendra Nath Rath, AOR  
Mr. M. Kumar, Adv.  
Ms. Laxmi, Adv.

For Respondent(s) Mr. Ajay Bansal, Adv.  
Mr. Praveen Swarup, Adv.  
Mr. Gaurava Yadava, Adv.  
Ms. Payal Swarup, Adv.  
Mr. Devesh Maurya, Adv.  
Mr. K.p. Singh, Adv.  
Mr. Ankit Ambasta, Adv.  
Mr. Praveen Swarup, AOR

Mr. Roopansh Purohit, AOR  
Ms. Geeta Mohanty, Adv.

M/S. Gaur & Nehra Law Firm, AOR

Mr. Shreekant Neelappa Terdal, AOR  
Mr. Mukesh Kumar Maroria, Adv.  
Mr. Praneet Pranav, Adv.  
Mr. Aadya Jha, Adv.  
Mr. Navanjay Mahapatra, Adv.

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

1. Strange are the facts of this case.

2. The High Court dismissed the Writ Petition on 10.09.2018 and without giving even a breathing time to the tenant or other persons, who were likely to be affected upon demolition of the building, to approach this Court, it is claimed that the Municipal Corporation of Delhi (for short, 'MCD') demolished substantial part of the building on 18.09.2018 before lunch. It may be noted that this Court on 18.09.2018 stayed the demolition directing that *status quo* shall be maintained by the parties and no portion of the property in dispute shall be demolished.

3. MCD has taken a stand that no demolition was carried out by it. On the other hand, the owner of the property, i.e., respondent No.2 herein, claims that the Executive Engineer of MCD brought the machinery and demolished the building as shown in the photographs.

4. In view of the above, the matter requires deeper probe. Let show cause notice be issued to MCD and respondent No.2 as to why an independent enquiry be not held to find out as to who are the persons behind the demolition held on 18.09.2018 and what were the hidden circumstances that the tenant or other affected persons were sought to be deprived of even their right to approach this Court. Meanwhile, the interim directions issued vide order dated 18.09.2018 shall remain in force.

5. The Commissioner, MCD is directed to file a comprehensive affidavit explaining whether or not MCD demolished the part of the building on 18.09.2018. The original records, in this regard, shall also be produced before this Court on the next date of hearing. Similarly, liberty is granted to respondent No.2 to file an affidavit explaining the circumstances which led to the demolition made on 18.09.2018. Full description of the persons who have incorporated respondent No.2 entity shall also be furnished.

6. Needful shall be done within two weeks.

7. Post the matter for hearing on 16.12.2024.

(SATISH KUMAR YADAV)  
ADDITIONAL REGISTRAR

(SAROJ KUMARI GAUR)  
ASSISTANT REGISTRAR

