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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13979/2023

SHARIQ

..... Petitioner

Through: Mr. Nalin L. Sahay, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjeev Sabharwal, Standing
Counsel for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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01.12.2023

CM APPL. 62098/2023*(Application on behalf of the petitioner under Order VI Rule 17 for amendment of the writ petition)*

1. The writ petition concerns a complaint of unauthorized construction in a particular property. It was pointed out by learned counsel for the Municipal Corporation of Delhi at the first hearing on 20.10.2023, that there is no property in existence at the address mentioned in the writ petition.

2. This is an application by the petitioner for amendment of the description of the subject property contained in the writ petition. By way of the present application, the petitioner states that the address has been incorrectly stated in the writ petition due to a typographical error.



3. Due care must be taken while filing a writ petition to ensure that the details incorporated in the petition are correct. In the present case, the identification of the property is fundamental to a determination of the only issue involved i.e., whether the construction is unauthorized or not. For the description itself to be incorrect, shows an unfortunate lack of diligence on the part of the petitioner.

4. While permitting the amendment, it is, therefore, necessary to impose an order of costs upon the petitioner.

5. Costs of Rs.10,000/- be deposited by the petitioner with the Delhi High Court Legal Services Committee [*UCO Bank, Delhi High Court, Shershah Road, New Delhi, Account No. 15530110008386, IFSC Code-UCBA0001553*] within two weeks from today.

6. Subject to the above, the application is allowed and the amended writ petition is taken on record.

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1. By an order dated 20.10.2023, the respondents were directed to file counter affidavits to the writ petition.

2. The counter affidavit will deal with the contents of the amended writ petition and may be filed within four weeks from today. Rejoinder thereto, if any, may be filed within two weeks thereafter.

3. List on the date fixed i.e., 14.03.2024.

PRATEEK JALAN, J

DECEMBER 1, 2023

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