

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

+ W.P.(C) 10216/2005

B.K.KAPOOR Petitioner
Through Mr. S C Kalra, Adv.

versus

M.C.D. & ORS. Respondents
Through Mr. O P Saxena, Adv. for MCD
Mr. Sudeep Singh for Mr. Darpan Wadhwa, Adv. for
respondent no.2
Mr. P N Bhardwaj and Ashutosh Bhardwaj, Advocates
for respondent no.3

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
07.04.2008

1. I have examined the affidavit filed by MCD. It is stated in the affidavit that the area in question has now been declared as a commercial area. The question of alleged misuse as the property is being used for commercial purpose, has become infructuous.
2. The other allegation in the writ petition is with regard to the unauthorized construction. (It may be stated that in the prayer clause no specific direction in this regard has been prayed for). Learned counsel for MCD states that the property was already booked for unauthorized construction and demolition order dated 22.3.2005 was

passed. However, the said demolition could not be executed in view of Delhi Laws (Special Provisions) Act, 2006 but now that the monotorium period is over, action will be taken by MCD in accordance with law. In view of the statement made by the counsel for the respondent the writ petition is disposed of.

3. However, Deputy Commissioner, City Zone, MCD will inform the petitioner within six months about the status of unauthorized construction, if any, in the property of respondent no.3 and action taken by MCD in that regard. Similarly, the property of the petitioner will be also inspected and action against unauthorized construction will be taken as per law and the MCD will also write a letter to respondent no.3 within six months informing him about the unauthorized construction, if any, and the action taken.

Writ petition is accordingly disposed of.

SANJIV KHANNA,J

APRIL 07, 2008
Vld/RN