

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

+(16) W.P.(C) 10620/2006

SACHHIN SAPRA Petitioner
Through Mr.Rajiv Bansal, Adv.

versus

M.C.D. & ANR. Respondent
Through Mr.Amit K.Paul, Adv. for MCD.
Mr.Rajat Wadhwa with Mr.S.K.Srivastava and
Mr.Amrik Singh, Adv.

AND

(17) W.P.(C) 10899/2006

SACHHIN SAPRA Petitioner
Through Mr.Rajiv Bansal, Adv.

versus

MCD & ANR Respondent
Through Mr.Amit K.Paul, Adv. for MCD.
Mr.Rajat Wadhwa with Mr.S.K.Srivastava and
Mr.Amrik Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

03.04.2008

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1. Learned counsel for the respondent/MCD seeks permission to file action taken reports. Permission is granted. Action taken reports are taken on record.
2. In respect of Plot No.F-19, Rajouri Garden, Delhi it is stated that

construction made in the front and rear set backs of the property have been demolished. It is further stated that all shops on the ground floor except for one shop are lying sealed on ground of mis-use. It is also stated that owners of the ground floor of the property have filed regularization plan/application in respect of ground floor and deposited Rs.1,35,000/- as compounding charges but the application is pending consideration. It is open to the respondent/MCD to decide the compounding application/regularization application in accordance with law. Any party aggrieved by the order passed by the MCD will be entitled to challenge the same as per law.

3. I do not think any further action or directions are required as far as plot No.F-19, Rajouri Garden is concerned.
4. As far as property bearing no.F-83, Rajouri Garden, Delhi is concerned,, it is stated by learned counsel for MCD that RCC beam and column frame in the rear set back could not be demolished as it would endanger the entire structure of the building including the compoundable portion. It is stated that non-compoundable portion has been partly demolished and action has been taken to demolish the balance non-compoundable portion to

make it inhabitable.

5. It is stated that there are two shops running on the ground floor of the property in question and rest of the shops are lying sealed on account of unauthorized construction. Learned counsel for MCD on instructions from Mr.K.K.Meena, Assistant Engineer states that the entire ground floor of the property can be used for commercial purposes as the area in question falls under mixed land use. It is stated that two shops are permitted on the ground floor under MPD 2021. This is subject to orders of the Supreme Court.
6. MCD will ensure that the non-compoundable portion of the property is not re-built or occupied and used by any person. As far as application filed by the occupants of the ground floor for permission under mixed land user is concerned, the same will be considered and decided in accordance with law and as per the directions issued by the Supreme Court. Action/order of the respondent/MCD can be challenged in accordance with law.
7. Learned counsel for MCD on instructions from Mr.Meena, Assistant Engineer states that applications for regularization filed under the mixed land use and under provisions of Master Plan of Delhi-2021 etc. will be decided and disposed of within six weeks from today.

Writ petition Nos.10620/2006 and 10899/2006 are disposed of.

Dasti.

SANJIV KHANNA,J

APRIL 03, 2008

RN/VKR

