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

+ W.P.(C) 3190/2017

JAGDISH SAINI

..... Petitioner

Through Mr. Binay K. Das, Mr. Sanjay K Lal
Das and Ms. Priyanka Das, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Mr. Rajan Tyagi, ASC with Mr.
Jugnu Bhati, Adv. for SDMC.
Mr. Arjun Mitra and Ms. Jaskaran
Kaur, Advs. for GNCTD with Mr.
Hoshiyar Giri, ASI, PS Jamia Nagar.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **15.11.2017**

Petitioner has approached this Court alleging unauthorized construction in property bearing no. C-16, area measuring 300 sq. Yds. (approx.) fall under Khasra no. 189, Nr. Apollo Chemist, Okhla Vihar, Jamia Nagar, New Delhi -110025 and today, after the filing of the Action Taken Report dated 13.11.2017 by respondent-SDMC, seeks to withdraw the petition. Mr. Tyagi, ld. counsel for the respondent-SDMC on his part submits that further demolition action is now scheduled for 22.11.2017. In the Action Taken Report filed by the respondent-SDMC, it is stated as follows :

“3. That respondent/SDMC carried out demolition action

on 04/10/2017. During said program, the respondent/SDMC removed the shuttering erected for the construction of ground floor and also cut down panels of RCC roof slab of basement. Subsequently, the owner/builder tried to start constructions. The same was got stopped by the answering respondent. Further, answering respondent also issued Work Stop Notice dated 31/10/2017 to PS_Jamia Nagar for getting the unauthorized construction stopped and to confiscate the tools and plants and also to disperse the workforce engaged in construction work. The Copy of Work Stop Notice is annexed herewith as Annexure-R1.

4. The answering respondent planned to carry out further demolition action on 07/11/2017. The respondent/SDMC sent requisition of police force to Deputy Commissioner of Police, south-East District with specific reference to order of this Hon'ble Court. The copy of letter bearing No.D/486/EE(B)-II/Central Zone/2017 dated 06/11/2017 is annexed herewith as Annexure-R-2.

5. That on 07/11/2017, the answering respondent carried out further demolition and cut down panels of RCC roof slab of basement. In total, the respondent/SDMC cut down 09 panels of RCC roof of basement. The photographs showing the demolition action are annexed herewith as Annexure-R3 (colly). During aforesaid demolition programs, the respondent/SDMC rendered the existing structure in uninhabitable condition.”

In view of the actions taken and contemplated, nothing further survives in the petition and the same is disposed off accordingly. Liberty is however, reserved to the petitioner to file afresh, if, further cause of action arises. Petition stands disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 15, 2017

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