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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2630/2012 & C.M. Nos.35187/2016

SMT. ANU JAIN

..... Petitioner

Through Mr.Atul Pandey, Advocate.

versus

THE DEPUTY COMMISSIONER

..... Respondent

Through Mr.Ajay Aroraa, Advocate for North DMC.

Mr.Anuj Aggarwal, ASC for GNCTD
with Mr.Debashree Mukherjee for
Delhi Police.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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02.12.2016

Arguments have been heard.

The status report along with the photographs of the area in question which are houses No.126 to 145 in D-7, Sector-6, Rohini, Delhi have been perused.

One of the contentions of the petitioner is that illegal and unauthorized construction is being permitted to her counterparts but not to her. She is in occupation of house No.137.

The common case of the parties is that the houses in this block being above the ground level can be accessed only through a stair case which has been constructed by these residents and this is the grievance of the petitioner. Her submission is that these

encroachments on the public land are not permissible; she has also been discriminated upon. Her stairs through which she could access her house were demolished by the Corporation time and again but the stairs of the other occupants of the said block are not being touched upon.

In the course of these proceedings, the counter affidavit and the stand of the respondent is noted. It is noted that the respondent had undertaken to demolish all illegal structures. In fact the latest status report which has now been placed on record along with photographs (dated 28.11.2016) show that there are no illegal encroachments raising of staircase in any of the aforementioned houses. The photographs of each house i.e. house nos. 126 to 145 including the house of the petitioner (house no.137) have been placed on record. The contention of the respondent is that the occupants of these houses are now accessing their houses through a temporary wrought iron two step ladder which they place at their doorstep to enter their houses. This has been noted. The photographs in this context have also been noted. The undertaking and the stand of the Corporation which has been reported in the Court today that no illegal construction is standing in the said properties as on date is also noted. This undertaking of the respondent shall be honoured in true letter and spirit. No unauthorized construction shall be permitted in this block of houses either of a permanent/semi-permanent nature i.e. of a staircase. However, the temporary arrangement / wrought iron ladder (as has been depicted in the first photograph) for the purpose of accessing their houses and thereafter being removed from the

common block area is also taken note of. To this learned counsel for petitioner has no objection and in fact can have no objection as this would not qualify as an illegal or an unauthorized construction. This is only a movable ladder. The petitioner is also permitted to access her house through such a temporary medium.

This Court, however, notes the further stand of the Corporation which is to the effect that most of these houses would be illegal as they stand over and above the ground floor. The right of the Corporation to take action against these constructions, if found to be illegal, cannot be interfered with by this Court and the Corporation on this count may take such action as is permitted under law.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

DECEMBER 02, 2016

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