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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2188/2016**

GODAWARI Petitioner
Through: Mr. Lalit Gupta, Adv.

Versus

NORTH DELHI MUNICIPAL CORPORATION &
ORS Respondents
Through: Ms. Puja Kalra, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

% **ORDER**
14.03.2016

CM No. 9391/2016

Allowed, subject to all just exceptions.

Application is disposed of.

W.P. (C) 2188/2016

By this writ petition, petitioner has prayed that respondent no.1 be directed not to demolish or seal the property bearing no. 692-693, Gali Tehsildar, Chandni Mahal, Delhi-110002 till disposal of regularisation application of the petitioner. It may be noted that W.P. (C) 11295/2015 was filed by one Mohd. Shakeel alleging unauthorised construction in the subject property. Respondent no.1 inspected the said property when unauthorised

construction was found to be going on. Order dated 1st March, 2016 passed in W.P. (C) 11295/2015 shows that property in question was booked for unauthorised construction and the demolition order has been passed on 23rd November, 2015. It has been further recorded that partial demolition was also done on 11th January, 2016 when roof slab of fourth and fifth floor was demolished. On 13th January, 2016 roof slab of second floor was demolished. The photographs filed by the respondent no. 1 were perused which indicated that only cosmetic demolition by puncturing the wall/roof was done. Respondent no.1 further informed that further demolition action was fixed for 16th March, 2016. In these circumstances, it was directed that demolition action be taken against the unauthorised structure and it should be a complete demolition action and not the construction one. Respondent no.1 was further directed to remove the debris at the cost of the owner/occupier, in accordance with law. Counsel for the petitioner submits that regularisation application was filed on 7th March, 2016 and the same is pending. Counsel for the respondent no.1 submits that the said application has already been rejected on 11th March, 2016. She further submits that construction has been raised in the property without a sanctioned plan.

For the foregoing reasons, I do not find any justification to stay the

demolition action slated for 16th March, 2016. Writ petition is dismissed.

Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

MARCH 14, 2016

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