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

+ **W.P.(C) 2797/2016**

RAJESH DOGRA

..... Petitioner

Through : Mr. Varinder Kumar Sharma, Adv.
versus

COMMISSIONER OF POLICE AND ANR

..... Respondents

Through : Ms. Puja Kalra, Adv. for SDMC/R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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30.03.2016

CM No.11766/2016 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

W.P.(C) 2797/2016

This is the fourth writ petition in a row filed by the petitioner for the similar reliefs. In this writ petition petitioner has prayed that the respondents be directed to demolish the unauthorized construction/encroachment in DDA Flats at Kalkaji, New Delhi. It has been further prayed that order dated 3rd July, 2015 passed by the respondent no.2 be set aside.

W.P. (C) No.2134/2011 was filed by petitioner for the similar reliefs but only for two flats, that is, Flat Nos.L-119-A and L-119-B, Kalkaji, New

Delhi. In the said writ petition, respondent no.2/MCD had filed a status report stating therein that the said properties were inspected and booked under Section 343/344 of the Delhi Municipal Corporation Act, 1957 with regard to the unauthorized construction found therein. Accordingly, writ petition was disposed of.

Subsequently, another W.P. (C) No.7838/2014 was filed alleging therein unauthorized construction in forty properties. Said petition was disposed of with the directions to the Executive Engineer to decide the petitioner's representation by a speaking order.

Again, W.P. (C) No.2308/2015 was filed, which was also disposed of vide order dated 11th March, 2015 with the directions to respondents to decide the representation of petitioner by a speaking order. Pursuant to orders passed in W.P. (C) No.2308/2015 and W.P. (C) No.2134/2011, the respondent no.2 has passed a reasoned speaking order dated 3rd July, 2015, which has been impugned in this writ petition. It has been stated in the order that all the properties were got inspected and action in accordance with law has been taken. It is also mentioned that petitioner had earlier filed Cont. Case(C) No.71/2013 titled Rajesh Dogra Vs. R. P. Meena & Ors. wherein eighteen properties were involved. All the said properties were

booked for unauthorized construction under Section 343/344 of the Delhi Municipal Corporation Act, 1957. It is further pointed out that the provisions of The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014 were in force at that time and some of the properties were covered therein. It has been further stated that no new construction was noticed in the properties. The constructions were old and unauthorized constructions were booked, in accordance with law. It has also been further observed that action was also taken against twenty four properties under Section 343/344 of the Delhi Municipal Corporation Act, 1957, which were involved in W.P. (C) No.2308/2015.

In view of the above, I am of the opinion that no further orders are required to be passed in this writ petition. It is hoped that respondent no.2 will take the proceedings initiated by it against the properties mentioned in the order dated 3rd July, 2015, to its logical end, in accordance with law.

Writ petition is disposed of.

A.K. PATHAK, J.

MARCH 30, 2016/dk