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

+ W.P.(C) 3002/2016 and CM APPL. 12594/2016

HASIBUR REHMAN

..... Petitioner

Through : Mr. Parag Chawla, Mr. K.K. Sharma
and Mr. Aman Kalra, Advs.

versus

MAZHAR ALI & ORS

..... Respondent

Through :Mr. Santosh Kr. Tripathi, ASC for
respondent no. 3
Ms. Monika Arora, Standing Counsel
for NDMC
Mr. Aly Mirza and Mr. K. Tanwar,
Advs. for respondent no. 7

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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16.05.2016

By this writ petition under Article 226 of the Constitution of India, petitioner has prayed that respondents be restrained from carrying out further unauthorised construction at plot nos. 8320, 8321, 8322 and 8323, Anaj Mandi, Filmistan, Bara Hindu Rao, Delhi. It has been further prayed that respondent nos. 2 and 3 be directed to take appropriate action as per the law against the respondent no. 1 in respect of unauthorized construction. Status report has been filed by the respondent no. 2/North Delhi Municipal Corporation stating therein that property no. 8321, Anaj Mandi, Rani Jhansi

Road, Delhi has been booked on 29th March, 2016, after unauthorized construction in the form of first floor, second floor, third floor and fourth floor was noticed, a show cause notice dated 29th March, 2016 was issued on 7th April, 2016. On 8th April, 2016 Junior Engineer of respondent no. 2 went to the site to serve the demolition notice but owner/builder refused to accept notice. On 12th April, 2016 Junior Engineer again went to the site to serve the notice and since no one was present, it was pasted at the site. Demolition order dated 21st April, 2016 was passed and demolition action was taken on 27th April, 2016.

One Mr. Navneet Jain has appeared through Mr. Aly Mirza, Advocate, who has submitted that respondent no. 1 is not the owner of subject property, it is Mr. Navneet Jain, who is the owner of the subject property. Counsel for respondent no. 2 has supplied the show cause notice and demolition order to the counsel for Mr. Navneet Jain. Mr. Aly Mirza, Advocate submits that appeal before the ATMCD would be filed. Obviously, in case any appeal is filed by Mr. Navneet Jain, the same shall be dealt with by the Appellate Tribunal on its own merits.

Since the property has already been booked and demolition order has been passed, inasmuch as demolition action has been partly taken. I am of

the view that law will take its own course. The photographs suggest that only cosmetic demolition has been done. In my view it has to be complete demolition and not the cosmetic one. Learned counsel for the respondent no. 2 submits that further action would be taken in due course. It is expected that respondent no. 2 shall take action initiated by it to its logical end, in accordance with law.

Writ petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MAY 16, 2016
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