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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5247/2013**
NEERAJ SAINI

..... Petitioner

Through None

versus

SOUTH DELHI MCD & OTHERS

..... Respondents

Through Mr. Biji Rajesh and Mr. Gaurang
Kant, Advocates for R-1
Mr. Viay Chandra, Advocate for Mr.
Jayendra, Advocate for R-2
Mr. Varun Nischal, Advocate for R-3

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **10.08.2016**

C.M.No.29089/2016

In view of the averments made in the application, delay of 5 days is condoned.

Application disposed of.

C.M.No.29088/2016 (restoration)

In view of the averments made in the application, petition is restored to its original number.

Application disposed of.

W.P.(C) 5247/2013

Counsel for the petitioner has appeared in the morning. Matter

has been fixed in the post lunch hour. None has appeared for the petitioner in the post lunch hour.

The prayers in the petition have been perused.

On 20.08.2015 the Predecessor Bench of this Court had noted that unauthorized encroachment upon public passages in the Local Shopping Complex Market, Sheikh Sarai-II, New Delhi had been removed from time to time; the kitchen at the roof of shop No. 7 has also been demolished; the unauthorized construction in the public toilet in the said market has also been removed and the use thereof as kitchen by some of the shopkeepers has been stopped; what had remained to be verified was whether the basement in shop nos. 7 and 45 were authorized or not.

On a subsequent date i.e. on 19.10.2015 the Bench of this Court had directed a joint meeting of the Director (Building) of respondent No.2/DDA and Deputy Commissioner of respondent no.1/SDMC would be held to consider whether the basement in shop nos. 7 and 45 were authorized or not.

Status report has been filed qua this issue. In this status report dated 04.03.201, the stand of the Department is that the owner / occupier had submitted some documents in respect of shop no. 7 and shop No. 45 qua the ground floor and basement. The Assistant Engineer (Building)-I, South Zone, SDMC had thereafter passed a speaking order on 10.02.2016 stating that in terms of immunity provided as per the provision of Moratorium Gazette Notification viz. Delhi Laws (Special Provisions) 2nd (Amendment) Act, 2014 properties which were in existence prior to 07.02.2007 were enjoying

immunity till 31.12.2017. The status report further discloses that notice issued on 04.12.2015 would however remain pending till that period and in between the owners / occupiers would maintain the sanctity of the provisions contained in the afore said Act.

In view of the aforementioned factual matrix which has emanated, no further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

AUGUST 10, 2016

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