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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3218/2016**
VINEET ANAND Petitioner

Through: Mr. Jitender Kumar, Adv.
versus

NORTH DELHI MUNICIPAL CORPORATION &
ANR Respondents
Through: Mr. Rajan Sabharwal and Ms. Kaanan
Gupta, Advs. for R-1.

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

ORDER
% **23.05.2016**

Notice to respondent no.2 could not be issued as process fee was not filed. Respondent no.1 has filed status report which has been perused.

Petitioner has prayed in this writ petition that respondent no.1 be directed to take appropriate action against the respondent no.2 to stop the unauthorised use of property bearing no. 43, First Floor, Block A-4, Paschim Vihar, New Delhi - 110063. Petitioner has alleged that respondent no. 2 has started commercial activities on the first floor of the property by opening a multi specialty clinic. The grievance of the petitioner is that said clinic has been opened in the residential area.

Respondent no.1 has stated in the status report that property bearing no. 43, First Floor, Block A-4, Paschim Vihar, New Delhi – 110063 was

inspected by the field staff of the Building Department-I, Rohini Zone on 21st April, 2016. The property consists of basement, first floor, second floor and third floor upon the the plot admeasuring 250 sq. yards. The entire construction was found to be old and occupied. The basement and ground floor were found to be occupied by M/s Grover Sweets. In the first floor, a clinic in the name and style of 'Pushpanjali Multi Speciality Clinic' was found being run by Dr. Pushpa Sharma. At the rear portion of the first floor a boutique in the name and style of 'Stylista Boutique' was being run by Smt. Nancy Ahuja. Second floor was vacant and petitioner was found living in the third floor. It is stated that the property is situated on a mixed land use road where commercial activities are permissible at ground floor and basement after payment of conversion/parking charges. M/s Grover Sweets has been running its shop after paying the parking/conversion charges to the North Delhi Municipal Corporation. The commercial activity at the first floor is not permissible. Accordingly, a show cause notice dated 25th April, 2016 under Section 345-A of the Delhi Municipal Corporation Act, 1957 has been issued to the owner/occupier of the first floor for sealing the property. After following the due process of law sealing orders have been passed in respect of the first floor on 18th May, 2016. It is stated that sealing

programme has been fixed for 31st May, 2016. It is further stated that deviation/excess coverage was visible, however, since sanctioned building plan was not available, no action has been initiated for the time being, however, action with regard to deviation/excess coverage would be initiated, after obtaining copy of the sanctioned building plan from the concerned department.

A perusal of the status report makes it clear that respondent no.1 has taken action, in accordance with law, inasmuch as, contemplates to take further action with regard to the deviation/excess coverage, if found, on verification of the sanctioned plan. Accordingly, no further orders are required to be passed in this writ petition at this stage and the same is disposed of with the directions to the respondent no.1 to take the actions, initiated by it, to its logical end, in accordance with law.

A.K. PATHAK, J.

MAY 23, 2016

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