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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3609/2016

NASREEN KHATOON

..... Petitioner

Through Mr. Mobin Akhtar, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through Mr. G.D. Mishra, Adv. for R-1.
Mr. Naunidh S. Arora, Adv. for R-2.
Mr. Saleem Ahmed and Ms. Charu
Dalal and Mr. Ajay Pratap, Adv. for
R-3.
SI Pankaj Gulliya, PS Jamia Nagar.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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22.07.2016

The petitioner is aggrieved by the purported illegal and unauthorized construction purported to have been carried out on property bearing No. I-14, part of Khasra No. 250, Abul Fazal Enclave, Jamia Nagar, New Delhi. Contention is that this aforementioned illegal activity has been carried out by respondent No. 2 with whom the petitioner had been entered into a collaboration agreement which collaboration agreement is dated 03.09.2014. Additional submission being that respondent No. 1 & 2 are permitting this activity which is illegal. They be asked to demolish this property. Respondent No. 1 & 2 has filed a status report. It is pointed out that the entire property has been booked on 03.11.2015 and necessary demolition action

under Sections 343/344 of the Delhi Municipal Corporation Act, 1957 has been initiated. Notice to show cause has also been issued on 04.12.2015. Part demolition/sealing order has also been sought to be implemented and on 18.07.2016 part demolition has been effected. This statement of respondent No. 1 & 2 is taken on record.

Respondent No.3 is the private respondent. He has also put an appearance. His submission is that this demolition action has been taken in contravention of the provisions of the DMC Act. No notice of demolition has been issued to him. Pursuant to this, he has preferred an appeal which is pending before the ATMCD and the next date fixed before the ATMCD is 20.11.2016. This statement of respondent No.3 is also taken on record.

Respondent No. 1 & 2 will initiate action in accordance with law within an outer limit of four months from today. No further orders are called for on this petition which is disposed of.

INDERMEET KAUR, J

JULY 22, 2016

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