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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4261/2016**

GAUTAM NAGAR RESIDENTS ASSOCIATION..... Petitioner
Through **Mr. Kawaljit Singh and Mr. Amrik Singh, Advs.**

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS Respondents
Through **Mr.Kishan Nautiyal, Adv. for respondent no.1.**
Mr. Iram Majid, Adv. for respondent no. 2 with SI Naveen Kumar, Hauz Khas

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

ORDER
% **12.05.2016**

CM Appl. No.17984/2016 (exemption)

Allowed, subject to just exception.

Application is disposed of.

WP (C) No.4261/2016

Show cause notice be issued to the respondents. Counsels for the respondent nos. 1 and 2 have appeared on advance service of paper book. Petitioner has prayed that respondent nos. 1 and 2 be directed to remove the unauthorised construction raised in the property bearing plot no. 65-E,

Gautam Nagar, New Delhi – 110049 and also to clear 13.5 meter road according to the Master Plan, 2021. Photographs have been filed to show that construction is being undertaken. Mr. P.K. Jain, Executive Engineer of South Zone is present in Court. On his instructions, counsel for the respondent no. 1 submits that unauthorized construction was noticed in the plot bearing no. 65-E, Gautam Nagar, New Delhi, without a sanctioned plan. Accordingly, basement and ground floor were booked on 18th March, 2016. Demolition order was passed on 14th April, 2016. Subsequently, it came to the notice of respondent that construction in first floor and second floor was started, despite booking of basement and ground floor, accordingly, on 4th April, 2016 first floor and second floor was also booked. It is submitted that demolition order in respect of first floor and second floor has also been passed on 19th April, 2016. Demolition action in respect of ground floor was undertaken on 26th April, 2016. Further action is proposed to be taken on 19th May, 2016 and 26th May, 2016. SI Naveen Kumar, P.S. Hauz Khas is present in Court and assures that adequate police force would be provided to the respondent no. 1 on 19th May, 2016 and 26th May, 2016 and on all the subsequent dates till the action is complete. It is clarified here that demolition action shall not be cosmetic one, i.e., by puncturing the walls and

the roof but shall be complete in all respect by removing the entire unauthorised construction, inasmuch as photographs be taken. Malwa/debris be also removed. Demolition action shall be at the cost of the owner/builder.

Respondent no. 2 is directed to keep strict vigil to ensure that no further construction takes place in the property. Compliance report be filed within six weeks. Writ petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

MAY 12, 2016

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