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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5025/2012

RASHIDA RAIS

..... Petitioner

Through Mr. Akshay Saxena, proxy counsel.

versus

NORTH DELHI MCD AND ORS

..... Respondents

Through Mr. Ajay Arora and Mr. Kapil Dutta,
Advs for the NDMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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21.07.2016

Learned counsel for the petitioner is stated to be unwell. On the last date also, adjournment had been sought on the similar ground. This adjournment has been opposed.

The contents of the petition have been perused. The prayer made in the petition is that the petitioner is seeking a direction qua respondent No. 1 & 2 to remove and demolish the construction of respondent No.4 on the third floor of property No. 1441, Gali Gondni Wali, Kala Mahal, Darya Ganj, New Delhi. Submission is that this portion has been illegally and unauthorizedly constructed.

Counter affidavit has been filed by the concerned respondents which are respondent No. 1 & 2. In this counter affidavit it has been stated that the occupier of the aforementioned property has submitted its reply before the competent body on 17.12.2012 accompanied by supporting documents. It was stated that this property had been

purchased by him from its previous owner on 17.01.2012 and the construction existing on the third floor was prior in time to the 2000 which was evident from the sale deed dated 05.01.2000 (vide which the present owner had purchased it from its earlier owner). The documents filed by the owner/occupier had also been considered. Respondent No. 1 was of the view that the unauthorized construction in the form of rooms, toilet, kitchen and passage on the third floor of the aforementioned property were evident but since the demolition of this unauthorized construction has been kept in abeyance up to 31.12.2017 in terms of Delhi Law Special Provisions (Amendment) Act, 2016, the property of respondent No.4 is protected up to the aforementioned date i.e. 31.12.2017.

However, as and when permission is available to the respondents to take appropriate action against this unauthorized property, the same will be done in accordance with law.

No further orders are called for on this petition. It is disposed of.

INDERMEET KAUR, J

JULY 21, 2016

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