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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No.7443/2013
CHARANJEET SINGH Petitioner

versus

NEW DELHI MUNICIPAL COUNCIL Respondent

W.P.(C) 12267/2015

SAGAR APARTMENTS RESIDENTS ASSOCIATION ... Petitioner

versus

NEW DELHI MUNICIPAL COUNCIL Respondent

Counsels for the petitioners:-

Mr. Rahul Shukla, Adv.

Counsels for the respondent:-

Ms. Sakshi Popli, ASC with Mr. Jitender Kumar Tripathi, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **22.03.2016**

1. W.P.(C) No.7443/2013 seeks a direction to the sole respondent New Delhi Municipal Council (NDMC) to remove unauthorised construction/encroachment detailed in its demolition orders/affidavits (mentioned in the petition), existing in the multi-storied building constructed at 6, Tilak Marg, New Delhi – 110 001.

2. W.P.(C) No.12267/2015 seeks (i) a declaration that the provisions of Section 249 of the NDMC Act, 1994 are not applicable to issues/matters decided by the respondent NDMC in exercise of powers under Section 247 of the Act; (ii) a declaration that the NDMC's Status Report dated 16th November, 2015 filed in W.P.(C) No.7443/2013 and decision finalised

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under Section 247 of the Act (as detailed in the petition) are illegal; and, (iii) a direction to the respondent NDMC to remove unauthorised constructions of the structures mentioned in its reply to a query under the Right to Information Act, 2005.

3. The petitions were entertained and Status Reports/counter affidavits have been filed.

4. The counsel for the respondent NDMC invites attention to the common order dated 20th July, 2015 in W.P.(C) No.1829/2013 titled ***Sh. S.C. Oberoi Vs. New Delhi Municipal Council*** and in W.P.(C) No.2687/2013 titled ***Charanjeet Singh Vs. New Delhi Municipal Council*** with respect to the alleged unauthorised constructions in the building known as Sagar Apartments at 6, Tilak Marg, New Delhi, recording that the Division Bench of this Court in LPA No.12/2015 titled ***Sequoia Constructions Pvt. Ltd. Vs. NDMC*** has directed the NDMC not to discriminate between unauthorised constructions which exist in different portions of the building and all the said unauthorised constructions be dealt with at the same time and hence refusing similar reliefs as claimed in these petitions in those petitions.

5. The counsel for the respondent NDMC states that in accordance with the said directions of the Division Bench, hearings are being held from time to time with respect to various unauthorised constructions. It is also informed that LPA No.574/2015 titled ***S.C. Oberoi Vs. New Delhi Municipal Council*** preferred against the order dated 20th July, 2015 supra was dismissed on 27th August, 2015 and SLP CC No.664/2016 preferred thereagainst was dismissed on 21st January, 2016 and Review Petition ***W.P.(C) No.7443/2013 & W.P.(C) 12267/2015***

No.113/2016 again preferred before the Division Bench in accordance with the liberty granted by the Supreme Court was dismissed on 8th March, 2016.

6. The counsel for the petitioners states that the subject matter of W.P.(C) No.12267/2015 is the unauthorised construction in the building against which legal remedies have already been availed of and with respect whereto demolition orders have attained finality. He states that the respondent NDMC, while passing fresh orders, may consider the said aspect.

7. The counsel for the respondent NDMC states that the said orders would of course be considered at the time of passing the final order.

8. Recording the aforesaid, the petitions are disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

MARCH 22, 2016

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