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

+ W.P.(C) 6849/2014

NAEEM ALI

..... Petitioner

Through: Mr. S.N. Gupta and Mr. Gurdeep
Singh, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION &

ORS.

..... Respondents

Through: Mr. Neeraj Kr. Singh, Adv. for R-1.
Mr. Rahul Sharma, Adv. for R-5
along with SI Raj Kumar, P.S.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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21.04.2016

By this writ petition, petitioner has prayed that respondent no.1 be directed to stop illegal construction being raised near the property bearing no. D-94/95, Krishna Park, Devli Road, Khanpur, New Delhi-110062 by the respondent nos. 2 to 4. It has been further prayed that said property be sealed and construction be demolished.

In the status report dated 6th December, 2014 it is stated that property was already booked under Section 343/344 of the DMC Act, 1957 (for short, 'the Act') on 9th September, 2014, inasmuch as, demolition orders were passed on 26th September, 2014. A letter dated 29th September, 2014 was also sent to the SHO P.S. Neb Sarai for stopping the unauthorised

construction. Letters were also sent to the concerned authorities for disconnection of electricity and water supply on 29th September, 2014. Property was partially demolished on 18th November, 2014. Prosecution action under Section 466-A of the Act and sealing action under Section 345-A of the Act was also initiated and the property was sealed on 3rd December, 2014.

Petitioner filed an affidavit on 17th March, 2015 alleging therein that further two more floors have been added, inasmuch as, no official from the MCD and police have visited the property. It was further alleged that MCD and police officials are hand in glove with the builder. Latest status report has been filed on 19th April, 2015 wherein it is stated that property was inspected on 13th April, 2016 when it was noticed that owner/builder had restored the demolished portion after tampering the seal affixed by the department. Letter dated 18th April, 2016 was sent to the Deputy Commissioner of Police, South Delhi for lodging an FIR against the builder. Demolition programme has been fixed for 26th April, 2016.

Counsel for the respondent no. 5, on instructions, submits that FIR has been registered and adequate police force would be provided to respondent no. 1 on 26th April, 2016 and thereafter, till the demolition action is

completed.

It is made clear that demolition of unauthorised portion shall be complete and not cosmetic. In case demolition action is not completed on 26th April, 2016 it shall continue on day to day basis till the same is completed. Respondent no.2 shall also remove the debris at the cost of owner/occupier/builder, in accordance with law. Compliance report be filed within four weeks.

Writ petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

APRIL 21, 2016

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