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

+ W.P.(C) 7027/2015

THE COURTS ON ITS OWN MOTION

..... Petitioner

Through: Mr.Hemant Gupta, *Amicus Curiae*
(Advocate)

versus

THE STATE

(GOVT. OF NCT OF DELHI) AND ORS.

..... Respondents

Through: Mr.Gautam Narayan, ASC (Civil)
with Mr.Shatrajit Banerji, Advocate for the
GNCTD.

Ms.Arati Bansal & Mr.Amit Khurana,
Advocates for R-2 and R-3/SDMC.

SI Naveen Kumar & ASI Om Prakash, PS
Hauz Khas, New Delhi

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

25.04.2016

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1. The present writ petition was filed by Ms.Alka Mahajan seeking a writ of mandamus directing respondent Nos.2 and 3, i.e. The Commissioner, Municipal Corporation of Delhi and The Deputy Commissioner, South Delhi Municipal Corporation, New Delhi to forthwith demolish and stop the illegal and unauthorized construction activities being carried on in the area of Gautam Nagar, Delhi. Other connected reliefs are also sought.

2. In the writ petition, the petitioner states that she is filing the petition in public interest to enforce and protect the fundamental rights of the persons

living in Gautam Nagar, Delhi. She also states that she is doing social work in the area of Gautam Nagar, Delhi and is concerned with ongoing problems being faced in day to day life by the general public, such as parking, water supply, law and order and other daily amenities. She further states that she had filed various RTI applications to know about the status of the various properties to which she received replies. It was stated that she was shocked to see that amount of the constructions reported though the plans had not even been sanctioned. Many of the buildings were being reconstructed even after having been sealed by the competent authority. A list of 26 such properties is mentioned with its details.

3. It is further urged that despite written complaints made, no action has been taken by any authority till date and the construction work is going on without any hindrance. Hence, the present writ petition was filed.

4. When the matter was pending the said Ms.Alka Mahajan moved a CM No.1615/2015 seeking police protection inasmuch as it was averred that her life and liberty is under threat. This Court on 15.01.2016 had noted the submissions of the learned counsel for the respondents that necessary police protection would be provided to Ms.Alka Mahajan. Respondent No.4/SHO, PS-Hauz Khas, New Delhi was also directed to file a status report.

5. Respondent No.4/SHO, PS-Hauz Khas, New Delhi filed a status report wherein it was stated that Ms.Alka Mahajan was misusing the police protection granted by this court for personal benefits. In view of the said allegations, this Court on 25.01.2016 without entering into the controversy, discharged Ms.Alka Mahajan as the petitioner and treated the matter as “THE COURT ON ITS OWN MOTION v. THE STATE (GOVT. OF NCT

OF DELHI) AND ORS.” Subsequently on 12.02.2016, Mr. Hemant Gupta, Advocate was appointed as ‘*Amicus Curiae*’ to assist the Court in matter.

6. In the meantime, the South Delhi Municipal Corporation (in short ‘SDMC’) filed a status report wherein they have given status regarding 31 properties. The details as given mention the areas, if any which have been constructed unauthorisedly and the steps taken by the said SDMC Personnel thereof. Against number of these properties, FIR was registered against the builder, in number of cases demolition orders have been passed under Sections 343/344 of the DMC Act and demolition action has taken place; some of the properties have been sealed and directions have been issued to disconnect electricity and water supply; while some of the constructions were found as per sanctioned plans. Ms.Alka Mahajan, the previous petitioner had filed a response to the status report pointing out certain defects in the status report filed by the SDMC.

7. We have heard the learned amicus curiae and the learned counsel for the respondents.

8. In our opinion, a perusal of the status report filed by the SDMC would show that the steps are being taken by SDMC in accordance with law regarding unauthorized constructions which have been mentioned in the writ petition. However, the proceedings have not yet been completed. Accordingly, we issue the following directions to the respondents/SDMC:

- i) The SDMC will complete the proceedings pertaining to various unauthorized properties as elaborated in the status report in accordance with law expeditiously.

- ii) The SDMC will treat the objections filed to its status report as a representation and will look into the same and deal with the contentions stated therein in accordance with law.

In view of the above directions, the present writ petition is disposed off.

(JAYANT NATH)
JUDGE

CHIEF JUSTICE

APRIL 25, 2016/v