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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9845/2015

NIRANJAN SINGH

..... Petitioner

Through Mr.Sunil Chauhan, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondent

Through Mr.Ajay Digpaul, Standing Counsel
for R-1.

Mr.Dhruv Sharma, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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05.09.2016

Petitioner is aggrieved by the certain illegal and unauthorised construction being permitted to be carried out by respondent no.2 in property owned by respondent no.2 in part Khasra No.275, Westend Marg, Garden of Five Senses Road, Village Saidulajaib, New Delhi.

His contention is that this unauthorised construction has been permitted at the behest of the statutory body. A status report has been filed by the SDMC. This status report has been filed on the affidavit of Arun Kumar, Executive Engineer of the Building Department, South Zone, SDMC. It is stated that the Department vide its communication dated 19.9.2011 had booked his property and action qua the unauthorized construction in the shape of the part of the second floor had been initiated under Sections 343/344 of the DMC

Act. After following due process of law, demolition order has been passed. Photographs have been filed along with the Counter affidavit substantiating the submission of the Department that the unauthorized and illegal construction on the part of second floor of the said property stands demolished. These photographs have been perused. Learned counsel for the petitioner submits that this is only a cosmetic demolition and only certain puncture marks have been created on the structure.

Learned counsel for respondent no.2 submits that this writ petition is a motivated petition. The property is lying sealed. Further submission of respondent No.2 is that it was at his behest of the respondent no.2 that the orders were passed in WP(C) No.3478/2016 titled as Nafe Singh Vs.SDMC and Ors. wherein his submission is that there was an illegal encroachment made by petitioner in Khasra No.275 was noted and the statutory body had been directed to demolish the alleged illegal construction/encroachment having been carried out by the petitioner in this Khasra No.275. This fact is not disputed by the learned counsel for the petitioner. The fact that this order was passed on 18.05.2016 wherein the petitioner and respondent no.2 and 3 were parties is not disputed.

In view of the aforementioned submission and the further stand of the respondent no.2 (the property as on date lying sealed disputed by the petitioner) this Court is of the view that no further orders are called for in this petition.

It is made clear that respondent no.1/statutory body will continue to monitor the progress of the case and will ensure that the

orders passed by it are implemented in true letter and spirit.

Petition disposed of.

Order dasti.

INDERMEET KAUR, J

SEPTEMBER 05, 2016
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