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

+ **W.P.(C) 10419/2015**

ILLEGAL CONSTRUCTION & WELFARE OF SOCIETY

..... Petitioner

Through : Mr. Brijender S. Dhull, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through : Mr. Vivek Goyal, CGSC for UOI.

Ms. Mini Pushkarn, Standing Counsel with
Ms. Anushruti, Ms. Shubhra Parashar and
Ms. Vasundhara Nayyar, Advocates for
SDMC.

Mr. Sanjoy Ghose, ASC with Mr. Rhishabh
Jetley and Ms. Pratishtha Vij, Advocate for
GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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19.10.2016

1. This petition by way of Public Interest Litigation has been filed alleging illegal and unauthorized constructions over the properties specified in Para 12 of the petition and seeking a direction to the respondent No.2/South Delhi Municipal Corporation to take action for demolition of the said alleged unauthorized constructions.

2. In response to the notice ordered by us, the respondent No.2/SDMC filed status/action taken report dated 16.08.2016 stating as under:

"2. That, status/action taken report with regard to the properties involved in the present petition is as under:

i. 278, VILLAGE SAIDULAJAB:-

In continuation of earlier report filed by this department, it is submitted that sealing action against this property was taken on 12.05.2016, during the action, 02 rooms at terrace, one flat at 4th Floor, 01 Flat at 3rd Floor, 01 flat at 2nd Floor, 01 at First Floor were got sealed. Action against rest of the property could not be taken as the same was found occupied. Accordingly, vacation notice u/s 349 of the DMC Act was sent to the Owner/Builder/Occupier of the property. Further, demolition action against this property has been taken on 17.05.2016 and during the action roof slab of room sat terrace, brick walls were got demolished and reinforcement were cut. Further, chowkhats of door/windows were also removed. Photographs showing the demolition action taken by the department is annexed herewith as Annexure:R-1.

ii. 347/58, VILLAGE SAIDULAJAB:-

In continuation of earlier report filed by this department, it is submitted that sealing action against this property was taken by the department on 12.05.2016, during the action 03 flats at 4th Floor, 03 flats at 3rd Floor and 02 Flats at 2nd Floor were sealed. Action against rest of the property could not be taken as the same was found occupied. Accordingly, vacation notice u/s 349 of the DMC Act was sent to the Owner/Builder/Occupier of the property. Photographs showing the demolition action taken by the department is annexed herewith as Annexure: R-2.

iii. RZ-2, CHANDAN COLONY:-

In continuation of earlier filed by this department, it is submitted that sealing action against the property was taken by the department on 12.05.2016, during the action office at Ground Floor at one point, 01 Flat at 2nd Floor, 02 Flats at 3rd Floor at one point, 01 Flat at 2nd Floor, 02 Flats at 3rd Floor and 01 Flats at 4th Floor were sealed. Action against rest of the property could not be taken as the same was found occupied. Accordingly, vacation notice u/s 349 of the DMC Act was sent to the Owner/Builder/Occupier of the property. Photographs showing the demolition action taken by the department is annexed herewith as Annexure:R-3.

iv. RZ-12, CHANDAN COLONY

Status of this property is same, as submitted by the department in its earlier report.

v. 25-B, PARYAVARAN COMPLEX:-

In continuation of earlier report filed by this department, it is submitted that sealing action against this property was taken by the department on 1.05.2016, during the action entire Basement, 02 flats at 3rd Floor, 01 flat at 4th Floor and 02 Flats at terrace were sealed. Action against rest of the property could not be taken as the same was found occupied. Accordingly, vacation notice u/s 349 of the DMC Act was sent to the Owner/Builder/Occupier of the property. Further, demolition action against this property has been taken on 17.05.2016 and during the action, roof slab of front portion of Basement was got demolished and reinforcement was also cut. Photographs showing the demolition action taken by the department is annexed herewith as Annexure:R-4.

3. That, this department has planned more demolition/sealing actions against these properties in coming days and same will be executed, as per policy of the department.”

3. The status report is placed on record and the writ petition is accordingly disposed of with a direction to the respondent No.2 to ensure that no such illegal/unauthorized constructions take place over the properties in question.

4. Writ petition is accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

OCTOBER 19, 2016/gr/pmc