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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10513/2015 & CM Nos.28161/2015 & 30200/2015
SHRI GAUTAM MANSARAMANI Petitioner
Through : Mr. Shiv Charan Garg and Mr. Imran
Khan, Advs.
versus

NORTH DELHI MUNICIPAL
CORPORATION & ORS Respondents
Through : Mr. Kapil Dutta and Mr. Munish
Malik, Advs. for R-1/NDMC.
Mr. A. K. Mishra, Adv. for applicant
in CM No.30200/2015.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **15.03.2016**

By this writ petition under Article 226 of the Constitution of India, petitioner has prayed that respondent no.1 be directed to demolish the unauthorized construction raised in the properties bearing nos.4/2 & 4/3, Roop Nagar, Delhi, inasmuch as said properties be sealed for misuse.

Vide order dated 6th November, 2015, Assistant Engineer was directed to visit the properties bearing nos. 4/2 & 4/3, Roop Nagar, Delhi and also the property of the petitioner bearing no.4/9, Roop Nagar, Delhi within two weeks and to take action, in case any unauthorized construction is found.

Status report has been filed wherein it has been stated that property of the petitioner was inspected on 18th November, 2015 and unauthorized construction in the shape of entire ground floor, first floor and half portion at second floor was noticed, accordingly, action under section 343/344 of the DMC Act was initiated. The unauthorized construction has been booked vide file no.508/C-70/B-II/UC/CLZ/2015 dated 18th November, 2015, inasmuch as, a show cause notice has been issued to the owner/occupier. Petitioner filed a reply. Thereafter, personal hearing was afforded to the petitioner and the case has been reserved for orders.

During the course of hearing, learned counsel for the respondents has informed that demolition order has already been passed. Further, properties bearing nos.4/2 & 4/3, Roop Nagar, Delhi have already been booked for unauthorized construction, inasmuch as, demolition orders have been passed. Even partial demolition action has already been taken. However, owner/occupier of the aforesaid two properties has approached the Appellate Tribunal, MCD by way of appeals wherein status quo has been passed. Action has already been taken and law will take its own course. Respondent No.1 is otherwise legally bound to take appropriate action against the unauthorized construction. Action initiated against the properties be taken

to its logical end by the respondent no.1, in accordance with law.

From the facts narrated above one thing is clear that petitioner has not approached this court with clean hands. One the one hand petitioner has himself raised unauthorised construction for which his property has already been booked, on the other hand he has invoked writ jurisdiction for demolition of his neighbouring properties. This reflects his conduct. A person, who has himself acted contrary to law, cannot be entitled for equitable reliefs under Article 226 of the Constitution.

Accordingly, a cost of ₹50,000/- is imposed on the petitioner to be deposited with the Delhi High Court Legal Services Committee within four weeks. In case, cost is not deposited, it be recovered by the Registrar (Appellate) in the same manner by which the land revenue is recovered. It is further made clear that Registry shall not entertain any application/petition of the petitioner, if the cost is not deposited within four weeks.

Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

MARCH 15, 2016/dk