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

+ W.P.(C) 11295/2015 and CM Appl. No. 29533/2015

MOHD SHAKEEL Petitioner
Through : Mr. Sumeet Kaul, Adv.

Versus

NORTH DELHI MUNICIPAL
CORPORATION AND ORS

..... Respondents
Through :Ms. Nandita Abrol, Adv. for
respondent no. 1 along with Sh. S.K.
Goel, AE
Mr. M.K. Singh, Adv. for GNCTD
Mr. Anand Singh, Adv. for
respondent nos. 3 and 4

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **01.03.2016**

By this writ petition under Article 226 of the Constitution of India, petitioner has prayed that respondents be directed to stop the illegal construction carried out in the property no. 692, Chandni Mahal, Delhi – 110002. It is further prayed that unauthorised construction be demolished. Status report has been filed by the respondent no. 1. It is stated in the status report that property has been booked, inasmuch as demolition order dated 23rd November, 2015 has already been passed, in accordance with law. Demolition action was fixed for 11th January, 2016 and 13th January, 2016

and police was requested to provide police force. On 11th January, 2016 unauthorised construction in the shape of roof slab of fourth floor and fifth floor has been demolished and on 13th January, 2016 the unauthorized construction in the shape of roof slap of second floor has been demolished. Photographs have been annexed. I find the demolition of unauthorised construction to be cosmetic. In my view, complete unauthorised structure needs to be demolished and it cannot be a cosmetic demolition by punching the walls/roof. Learned counsel for the respondent no. 1 submits that further demolition action has been fixed for 16th March, 2016. After completing the demolition action, respondent no. 1 shall remove *malwa* at the cost of owner/occupier, in accordance with law. Station House Officer, Police Station Chandni Mahal is directed to provide police assistance to the respondent no. 1 on the date fixed, that is, 16th March, 2016.

Writ petition is disposed of in the above terms. Compliance report be filed within four weeks. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MARCH 01, 2016

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