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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 548/2017 & C.M.No.2479/2017

GURDEV SINGH

..... Petitioner

Through

Mr.Harshbir Singh Kohli, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through

Ms.Arti Bansal, Advocate for SDMC.

Mr.Puneet Garg, Advocate for R-2
and R-3.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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15.03.2017

Status report of respondent no.1 is on record.

It is stated that the property i.e. the property bearing No.26A, Village Zamrudpur, Greater Kailash-I, New Delhi was booked for unauthorized construction qua basement, stilt, ground floor, first floor, second floor and third floor. Demolition proceedings as also sealing were initiated on 28.5.2013. The property was sealed. The owner of the property (respondent nos.2 and 3- duly represented) had filed an application seeking regularization of this property. In the light of the circular issued by the Department dated 21.7.2015 for dealing of property which fulfilled the parameters in terms of the newly promulgated Act (National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014 respondent nos.2 and 3 had moved an application seeking de-sealing of their property. The property was de-sealed on 02.9.2016. The owner tried to repair the property during this period of de-sealing. This status report states that pursuant to the order passed by this Court on

20.01.2017 a work stop notice was issued. This Court notes this averment with pain. On 20.01.2017 what recorded by this Court was anything which was illegal/deviated, action should be taken against the same. It appears that this illegal deviation was noted and thereafter this property was sealed. The status report additionally points out that the demolition order passed by the Competent Authority was taken up in appeal before the ATMCD on 02.3.2017; a status quo was ordered qua the property. Next date fixed before the ATMCD is 05.6.2017. The order dated 02.3.2017 has been perused. The ATMCD has granted stay of the demolition order noting the fact that the appeal had been filed after a period of almost four years. The ATMCD in its order dated 02.3.2017 has also not passed any observation as to whether there is any application seeking condonation of delay while filing the appeal; the court should have been conscious of this fact while granting the interim stay. Since the matter is subjudice before the ATMCD and the hands of the Corporation are tied, this petition is disposed of with a direction that respondent no.1 will take appropriate action in terms of the order passed on the appeal by the ATMCD. A copy of this order shall also be sent to the ATMCD.

Petition disposed of.

INDERMEET KAUR, J

MARCH 15, 2017/ndn