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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 750/2012

RICHPAL SINGH AND ORS Petitioners
 Through Mr. Naresh Kaushik with
 Ms. Shriambhra and Ms. S. Agarwal,
 Advocates
 versus

PK GUPTA AND ANR Respondents
 Through Ms. Shyel Trehan, Advocate for
 North DMC.
 Mr. Santosh Kumar Tripathi, ASC
 (Civil) for GNCTD.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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14.02.2017

Today in Court, Ms. Shyel Trehan, learned counsel for respondent-North DMC has handed over a photocopy of the order dated 26th August, 2016 passed under Sections 343/344 of Delhi Municipal Corporation Act, 1957, which is taken on record. The aforesaid order is reproduced hereinbelow:-

*“NO. D/AE(B)/KBZ/16/68**DATED 26/8/2016***ORDER U/S 343-344, OF DELHI MUNICIPAL CORPORATION ACT 1957**

WHEREAS a show cause notice u/s 343 and 344 of DMC Act was issued to the Owners/Occupiers Sh. Bal Bhagwan of

property bearing no. 2151/18, New Patel Nagar, for raising / carried out Unauthorized Construction in the above mentioned property in the shape of entire ground floor and first floor in part portion which was booked vide file no B/UC/KBZ/2016 dated 09.05.2016. A show cause notice was received by the Owner on 10.05.2016.

A reply of Show Cause Notice received on 12.05.2016 wherein he has stated that due his car being stolen, important documents also reported to be lost as same were in the car. He has filed copy of FIR and sought time to file further reply after collecting documents reported to be lost in the Car theft. Accordingly, letter for personal hearing was issued vide no. D/AE(B)/KBZ/2016-17/3152 dated 25.05.2016 for 02.06.2016 along with relevant documents. On 02.06.2016, Occupier Sh. Bal Bhagwan appeared in person and also filed representation along with certain documents as described & relied upon in the representation. As per documents and his written representation he has submitted that property in question falls in the Village "Abadi" of Khampur Raya & is protected by the National Capital territory Delhi Laws (Special Provision & Amendment) Act as extended from time to time and latest by act notified on 21.12.2014 till 31.12.2017.

I have gone through all the documents as well as our own record wherein the Chief Town Planner has opined that property in question falls outside the scheme of Regularization Plan of N. Patel Nagar. As per record, there is no sanction building plan of the property in question i.e. 2151/18, New Patel Nagar, New Delhi.

Hence, I R.K. SAXENA, AE(B)/KBZ, competent authority in exercise of the powers of the Commissioner, North DMC vested in me under Section 343(1) read with Section 491 of DMC Act hereby declare the impugned construction is unauthorized, carried out against sanctioned building plan but due to protection available to the construction, being a property falls in village "abadi" Khampur Raya, Demolition Action is kept in abeyance till 31.12.2017.

Sd/-

*Assistant Engineer (Building)
Karol Bagh Zone"*

Since The National Capital Territory of Delhi Laws (Special Provisions) Amendment Act, 2014 (for short “Act, 2014”) offers protection to unauthorised construction carried out upto 1st day of June, 2014 till 31st December, 2017, learned counsel for the petitioner wishes to withdraw the present contempt petition with liberty to challenge the constitutional validity of the Act, 2014. He also craves liberty to seek revival of the present contempt petition after the ‘eclipse period’ provided in the Act, 2014 is over.

With the aforesaid liberty, present contempt petition is disposed of.

MANMOHAN, J

FEBRUARY 14, 2017

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