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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6683/2016**
KAILASHI

..... Petitioner

Through Mr. C. Rajaram, Mr. Harvinder Singh
and Ms. Shashi Panwar, Advs.

versus

EDMC AND ORS

..... Respondents

Through Mohd. Faisal, Adv for R-1.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **17.01.2017**

A status report has been filed by the respondent Corporation. There are four properties which are the subject matter of the present petition.

Qua property No. 101, Gali No. 4, Chandu Park, Delhi, it is stated that the property was inspected on 14.07.2015. Unauthorized construction in the shape of ground floor, first floor, second floor, third floor and projection over the municipal land was noted. A demolition order was passed on 03.08.2015. Demolition program had been fixed for 08.10.2015 and 16.02.2016 but action could not be completed because of shortage of time. Show cause notice as to why the property be not sealed under Section 345-A of the DMC had also been issued to the owner/occupier who has not filed any reply. The demolition program has now been fixed for 23.01.2017.

Qua the second property i.e. property No. 102 (part) Gali No. 4, Chandu Park, Delhi it is stated that the property was inspected on 05.10.2015. Unauthorized construction in the shape of stilt, ground

floor, first floor, second floor, third floor and projection over the municipal land was noted. Demolition order was passed on 26.10.2015. The demolition program was fixed for 07.12.2015 and part demolition i.e. RCC slab on the third floor and steel reinforcement was also cut down by gas cutter in the presence of the police force. Demolition program was fixed for further dates but the same could not be taken due to shortage of time. Show cause notice as to why the property be not sealed has also been issued to the owner/occupier under Section 345-A of the DMC Act. Demolition program has now been fixed afresh for 23.01.2017.

Qua the third property i.e. property No. C-15, New Govind Pura, it is stated that this property was inspected on 01.08.2016. The property was found to be old and occupied. However, since the construction had been carried without a sanction plan, show cause notice under Sections 343 & 344 of the DMC Act was issued upon the owner/occupier. The property was booked for 01.08.2016. Reply filed by the owner/occupier was found to be dis-satisfactory; a demolition notice was issued to the owner-occupier and demolition order was passed on 29.08.2016. Demolition program has now been fixed for 23.01.2017.

Qua the last property i.e. property No. 79/1, first floor, Gali No.3, Patli Gali, Chandu Park, Delhi, it is stated that the location of the property could not be ascertained in the initial stage. However after contact with the petitioner and with her help, the property was traced out. It was inspected. Entire structure appears to be old. Local inquiries reveal that no construction has taken place in the

recent past. Notice was issued to the owner/occupier upon which one Parminder Kaur alone has filed her reply along with certain documents. The other owners/occupiers have also sought time to file their replies which shall be inspected and action will be taken in accordance with law.

Noting the above contentions in the status report as also the submission of the learned counsel for the respondent Corporation who has made this statement under instructions from the authorized representative of the Department, it is hoped and expected that the demolition program now fixed for 23.01.2017 shall be given full effect to. Assistance of the police wherever necessary shall be obtained. This statement of the learned counsel for the respondent is taken on record. His further submission is that this demolition program shall be taken to its ultimate goal has also been noted.

No further orders are called for in this petition. It is disposed of.

INDERMEET KAUR, J

JANUARY 17, 2017

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