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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3537/2017**

MANU SHANKAR Petitioner
Through Mr. Daleep Dhyani, Advocate

versus

DELHI DEVELOPMENT AUTHORITY AND ORS Respondents
Through Mr. Sanjeev Sabharwal, Standing
Counsel for R-1/DDA
Mr. Rakesh Mittal, Standing Counsel
with Mr. Kamlesh Anand and
Ms. Yamini Mittal, Advocates for R-2
Mr. Umesh Shah, Advocate for R-3
Mr. Anuj Aggarwal, ASC, GNCTD
with Ms. Deboshree Mukherjee,
Advocate for R-5

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

ORDER
% **29.11.2017**

**W.P.(C) 3537/2017 & CM APPLs. 15440/2017 (stay) and
28312/2017 (for directions)**

Instant petition came to be filed alleging unauthorised construction in property bearing No.B-1/1566, Vasant Kunj, New Delhi-110070. In the status report dated 11.08.2017 it is stated as follows:-

“.....
.....

3. That during the said inspection the unauthorized construction activity has been noticed by the area JE (Bldg) in the shape of deviation against standard DDA plan and extra coverage/projections in respect of property in

question. However, as per record the same has been booked vide U/c file bearing No. 340/UC/B-II/SZ/17 dated 03/8/2017 for taking the necessary demolition action u/s 343/344 of the DMC Act. Upon following the due process of law in this regard the necessary demotion (sic.) order has also been passed by the competent authority i.e. the then AE (Bldg) vide dated 07/08/2017 with the directions to the owner/occupier to demolish the same within 6 days failing which the SDMC will demolish the same at their risk and cost. The copy of said demolition order/notice as passed is annexed herewith as Annexure R-1/B.

4. That it is also relevant to point out that upon noticing the facts that the concerned AE (Bldg) has delayed in getting the property in question inspected though the Hon'ble Court directed to inspect the same within one week of the order dated 24/4/2017 and the concerned JE (Bldg) has initiated the action only on 03/08/2017, though he inspected the property in question on 01/06/2017 i.e. after almost 2 months, so for the said delay/laxity on their part, the necessary Memo/Show Cause have been issued, copy thereof are annexed as Annexure R-1/C (Colly)."

During the course of hearing, Mr. Mittal, Id. Standing Counsel for respondent-SDMC, as also for the respondent no.2, submit that since after 11.08.2017, a demolition and sealing orders have come to be passed, and, have also come to be assailed by way of a statutory appeal, which is pending before the AT, MCD. It is also jointly stated on behalf of the respondents that AT, MCD has stayed the operation of the demolition order. In view of the actions taken and contemplated, and in view of the fact that the statutory appeal for the actions taken is pending before AT, MCD, nothing further survives in the petition. Petition and pending applications stand disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 29, 2017/nn