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

+ **W.P.(C) 3560/2017 & CM APPL. 32313/2017**

RAIS UR REHMAN

..... Petitioner

Through : None

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through : Ms. Puja Kalra, Adv. for North-DMC.
Mr. Vinod Kumar Goyal, Adv. with
Mr. Abhinav Singh, Adv. for R-2.
Mr. S. D. Ansari, Adv. with Mr. I.
Ahmed, Advocate for applicants.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **02.11.2017**

Petitioner approached this Court alleging unauthorized construction in property bearing No.704-707 Chandni Mehal, Darya Ganj, Delhi. In the action taken report dated 30.10.2017, the respondent-NDMC has stated as follows:-

“2. That at the very outset, the deponent wishes to rely on the order dated 28.08.2017 passed by this Hon’ble Court which inter alia mentions as under:

“Both, the Commissioner, North Delhi Municipal Corporation as also the Commissioner of Police, Delhi are therefore, directed to get an enquiry conducted and initiate such action(s), disciplinary and criminal, against all those persons, who are responsible for the subject unauthorized building, which has ‘not’ only come to be raised, but, ‘also’ occupied, possibly, by innocent buyer(s), without

any sanctioned building plan, under their nose. Report on the action taken be sent to this Court by both, the Commissioner, North Delhi Municipal Corporation as also Commissioner of Police, Delhi, within four weeks from today.”

3. That in compliance of the aforesaid orders passed by this Hon’ble Court, the deponent most respectfully submits that the Commissioner, North DMC has ensured compliance and referred the matter to the Vigilance Department, North DMC for conducting investigation and fixing the responsibility of the erring officials/officers. It is stated that the Vigilance Department, after conducting the thorough investigation in the matter has recommended “Major Penalty”, proceedings against Shri Deepak Kumar Detwal the then, AE (B), City-S.P. Zone presently posted as AE (DEMS) and Shri P.C. Arya, JE (B), City-S.P. Zone for the lapses and the misconduct under the Conduct Rules. The Commissioner, North DMC, vide its order dated 25.09.2017 has approved the Major Penalty Proceedings to be taken against the aforesaid erring officials and the steps to issue the charge sheet and initiating inquiry proceedings are under process. The communication dated 06.10.2017 accompanied with the investigation report is annexed herewith as Annexure R-1.

4. That as regards the further action taken against the unauthorized construction at the property under reference, it is reported that in continuation to the earlier affidavit filed on behalf of the North DMC, the police force was requisitioned for the purpose of execution of the demolition order passed in respect of unauthorized construction at Property No. 704-707, Chandni Mahal, Darya Ganj, Delhi and on availability of the police force, the demolition action was taken at the roof of the first floor i.e. second floor and cut panels of two rooms including cutting reinforcement. Also after demolition second floor was sealed on 07.09.2017. Further demolition action taken by demolishing the third floor at two panels of two rooms with cutting reinforcement by gas cutter, also demolished fourth floor at one panes of one room with cutting reinforcement by gas cutter. After demolition action the third floor and fourth floor was sealed at one point each. Total two points were sealed at third floor and fourth floor. At this stage all floors of the property are sealed. The photocopy of the police requisitions

dated 08.09.2017 and photographs of demolition actions are annexed herewith as Annexure R-2.

5. That, however, vide order dated 01.09.2017 the deponent most respectfully states that the Hon'ble ATMCD in Appeal No. 800/2017 titled 'FARZANA & ORS VS. NORTH DMC' has been pleased to stay the demolition action upto 5.09.2017 till 2 pm. Subsequently vide another order dated 11.09.2017 and 27.09.2017 in the aforesaid appeal, the Hon'ble ATMCD has been pleased to stay the demolition action against the unauthorized constructions at ground floor, first floor and second floor at the aforesaid property and the matter is now listed for 15.01.2018. The interim stay is still operative. The photocopies of ATMCD orders dated 01.09.2017, 11.9.2017 and 27.09.2017 are annexed herewith as Annexure R-3."

While none appears for the petitioner, Mr. Ansari, learned counsel for the intervener, does not dispute the factual conspectus that has come to be stated in the action taken report of the respondent-NDMC.

In view of the foregoing, nothing survives in the petition. Petitioner is, therefore, disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 02, 2017
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