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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8174/2016 & C.M. No.33805/2016

MEERAJ-UD-DIN

Through Mr.Noor-Ul-Islam and Mr. D.A.Saifi,
..... Petitioner
counsel for petitioner.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

Through Ms.Reema Khorana, Advocate for
..... Respondents
SDMC/R-1.
Mr.Ashwani Garg, Advocate for R-2
along with ASI Hosiyaar Giri from
P.S.Jamia Nagar.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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14.02.2017

There are three status reports which have been filed by the Corporation; all of them have been perused. Counsel for petitioner is aggrieved by the illegal and unauthorized construction which is being permitted to the private respondents i.e. respondent nos. 3 and 4 at property bearing No.137, Gali No.11, Zakir Nagar, Okhla, Jamia Nagar. Submission is that five floors have been raised upon this property; this was the initial controversy which has now come to rest in view of the state reports filed by the respondent no.1 which evidences that the petitioner has probably counted the stilt floor as one floor and thus come to the conclusion that five floors have been

raised upon this property. The status report disclosed in fact four floors have been raised upon the property, the stilt parking is distinct. The perusal of the first status report dated 20.9.2016 shows that as per the Department a sanctioned building plan had been obtained by the private respondent for the construction of a stilt floor, ground floor, first floor and second floor. The property was booked under Sections 343 and 344 of the DMC Act on 20.6.2016 for excess coverage/deviations from the stilt to the first floor. The demolition order had been passed. The property was again booked on 02.9.2016 for the deviation and excess coverage. This was qua the second floor. Necessary show cause notice has also been issued to the owner/occupier of the property. Work stop notices have also been issued to the concerned authorities. Sealing process had been initiated and copy of the said document has been placed on record.

The second status report of the Department is dated 01.12.2016. As per this report the unauthorized constructions qua this property in the shape of deviation/excess coverage against sanctioned plan had also been booked on 08.10.2016 pursuant to which after following the due process of law a demolition order was passed. The demolition programme fixed for 27.9.2016 had led to a partial demolition. Demolition programme was again re-fixed for 28.10.2016 on which date it was cancelled because of non availability of police force. Demolition programme was again fixed for 24.11.2016 but the same also could not materialized because of the absence of police force. Action had thereafter been fixed for 01.12.2016.

The last status report of the Department is dated 24.12.2016. in

this status report it is stated that the demolition programme had been fixed for 01.12.2016 and it had been assured by the police department that the police force would be provided but in spite of assurance the police force was not available to the demolition squad of the MCD. Demolition programme had again been re-fixed for 22.12.2016 but the same could not be brought in the enforcement because of absence of police force. The Commissioner of police has been represented by respondent no.2. He submits that the police force was not available because of administrative exigencies and largely for the reason that information about the deployment of police force was received in the last moment from the SDMC. The Government departments i.e. respondent nos.1 and 2 will coordinate with one another and fix a demolition programme in next 10 days and their assurances and undertakings to this Court that the demolition programme will be put into motion is taken on record. The status of the demolition will be informed to the petitioner. It is hoped and expected that this statement of respondent nos.1 and 2 which is taken on record shall be honoured in true letter and spirit.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

FEBRUARY 14, 2017

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