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

+ **W.P.(C) 4920/2017 & CM APPL. 31539/2017**

ITI SHARMA Petitioner

Through **Md. Aslam, Adv.**

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through **Mr. Ajjay Aroraa and Mr. Kapil Dutta, Advs for NDMC.**

Mr. Anubhav Mehrotra, Adv for R-2.

Mr. Naushad Ahmed Khan, ASC with

Ms. Diviyani Sehgal, Adv for R-3.

Insp. Yogeshwar Singh, ATO, Darya Ganj.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% 26.09.2017

By the petition, petitioner prayed, as follows:

“a) Issue a writ of mandamus or other writ or order or direction in the nature of Mandamus directing the Respondents 1 and 3 to take appropriate action for removal of unauthorized and illegal construction being carried out by the Respondents No. 2 at property No.3498 Kucha Lal Man, Darya Ganj, New Delhi-110006.”

In the status report filed by the respondent no.1, it is *inter alia* stated, as under:

“3. That the deponent states that in the earlier affidavit filed by the predecessor of the deponent, it was stated that further demolition programme has been fixed for 16.08.2017

and subject to availability of Police Force, the booked unauthorized construction at the property will be demolished/sealed. It is submitted that on 16.08.2017 entire property has been sealed at ground floor at three points in presence of staff of P.S. Darya Ganj, Delhi. However, for the purpose of taking demolition action on 25.09.2017, subject to de-sealing of the property and availability of Police Force, the demolition action will be taken and thereafter the property will be re-sealed. Photographs showing the sealing action taken on 16.08.2017 are annexed herewith as Annexure R-1.

4. That the deponent submits that in compliance to the order dated 01.09.2017 passed by this Hon'ble Court in the above captioned matter, it is stated that the detailed status report in respect of the quantum of the unauthorized construction regarding the subject property has already been filed before this Hon'ble Court by way of status report sworn by the predecessor of the deponent and the contents of the same are reiterated.

5. That the deponent got the fresh inspection of the property done on 20.09.2017 and it was reported that no construction activity was found in progress at the premises in question. It, is however, stated that in case, if any further unauthorized construction, is noticed at the suit premises, the appropriate action will be taken in accordance with Law.

6. That the deponent further states that the owner/builder filed Writ Petition No. 8013/2017 titled Tahura Ali Javed & Ors. Vs. North DMC & Ors. before this Hon'ble Court seeking stay against the demolition and vide order dated 11.09.2017, the said writ petition was dismissed as withdrawn. Copy of the order dated 11.09.2017 is annexed herewith as Annexure R-2.

7. That the deponent further states that against the demolition order dated 15.05.2017 passed by the North Delhi Municipal Corporation, in respect of the booked unauthorized constructions, the Appeal bearing No. 859/ATMCD/2017 titled Tahura Ali Javed & Ors. Vs. North DMC & Ors. has been filed by the owner/builder before the Hon'ble ATMCD and the Hon'ble ATMCD has been pleased to adjourn the matter for 26.09.2017.

8. That the deponent states that the steps to execute the demolition order dated 25.09.2017 are being taken and the police force from P.S. has been requisitioned for 25.09.2017 and subject to availability of Police force, the demolition action will be taken in accordance with law. Photocopy of the Police requisition letter dated 20.09.2017 is annexed as Annexure R-3."

On the action as stated in the status report, ld. counsel appearing for the owner/builder i.e. respondent no.2 submits that the appeal has come to be heard and some interim orders have come to be passed by AT, MCD and the matter is adjourned for 01.11.2017. In view of foregoing factual conspectus, nothing further survives in the instant petition.

Petition stands disposed off accordingly.

A. K. CHAWLA, J

SEPTEMBER 26, 2017

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