

\$~3

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

+ **W.P.(C) 5165/2017**

KISHORE KUMAR Petitioner
Through Ms. Madhu Moolchandani, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR Respondents
Through Mr. Ashok Kashyap, Standing
Counsel for SDMC

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **09.08.2017**

By the petition, the petitioner seeks directions to respondent no.1 to take action under Sections 343 & 344 of the DMC Act for the alleged unauthorized construction in property bearing no. 147, Savitri Nagar. In the status report, the respondent has stated, as follows :

“3. That, further upon referring to the record it has been noticed that the subject property is already stands booked for unauthorized construction vide file bearing No. 231/B/UC/SZ/2004 dated 24/12/2004 and 50/B-I/UC/SZ/08 dated 17/04/2008 u/s 343 & 344 of DMC Act 1957. Upon following the due process of law the necessary demolition order also stands passed vide dated 07/01/2005 and 05/05/2008 respectively.

4. That presently in light of the Moratorium as extended under the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act – 2014, the property in question is protected till 31st December, 2017 and as and when the said protection of the Moratorium is lifted the necessary action shall be taken with regard to the property in question, pursuant to aforementioned demolition order, in accordance

with law.

5. That further as also admitted in the present writ petition, the petitioner herein also preferred a writ petition bearing No.192/2014, titled as Kishore Kumar V/s Rakesh Kumar & Ors., which was disposed of by this Hon'ble High Court vide its order dated 16/04/2015, agreeing therein with the submissions of the learned counsel appeared for SDMC that the property in question is currently protected under the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act – 2014. The copy of the order is annexed as annexure P-3 along with the writ petition.

6. That, it is also relevant to state that on being aggrieved of the said order, the petitioner herein also preferred LPA bearing No.146/2016, titled as Kishore Kumar V/s Rakesh Kumar & Anr., which was also dismissed while holding that there is no infirmity or error in the impugned order. The detailed order in this regard is also annexed along with the writ petition, as Annexure P-4.”

In view of the status report, the petition is filed without any cause of action and is dismissed accordingly.

A. K. CHAWLA, J

AUGUST 09, 2017

rc