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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9772/2016

SATISH JAISWAL AND ANR

Through Mr.Vijay Joshi, Advocate for
petitioner no.1.
versus

..... Petitioners

SOUTH DELHI MUNICIPAL CORPORATION AND ORS

Through Ms.Arati Bansal and Ms. Madhur
Dhingra, Advocates for SDMC.
Mr.Ajay Tiwari and
Mr. M.K.Upadhyay, Advocates.

..... Respondents

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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17.01.2017

Petitioner is aggrieved by the illegal action of the Department wherein unauthorised construction has been permitted to respondent nos.2 to 4 wherein a stilt floor has been raised in property No.90A, Gali No.4, Krishna Nagar, Safdarjung Enclave, New Delhi. It is stated that this stilt floor construction is against all the bye-laws of the Corporation.

Status report has been filed by respondent no.1. Respondent no.2 is also represented. The contention of respondent no.1 is that this property was inspected and a building plan qua the basement, stilt, ground floor, first floor, second floor and third floor had been sanctioned vide file No.22/B/SZ/I/13 dated 04.9.2013. However, the owner/occupier the subject matter property has raised certain

deviations against the sanction plan in the shape of excess coverage at the basement, stilt floor, ground floor, first floor, second floor and third floor and consequently action has been initiated under Section 343/344 of the DMC Act. A demolition order has been passed on 21.12.2016. Learned counsel appearing for respondent no.1 under instruction states that all further action in accordance with law shall be completed. This statement of respondent no.1 is taken on record. It is hoped and expected that all action in accordance with law shall be completed.

At this stage, learned counsel for petitioner submits that he is a bona fide purchaser of the second floor and third floor and this action would adversely affect him also. It is stated that without measurement a demolition order has been passed.

Be that as it may, since this demolition order which has been passed affects the rights of the petitioner, he is at liberty to address his grievance before the appropriate Forum i.e. the ATMCD.

Petition disposed of in the above terms.

No further orders are called for in this petition.

INDERMEET KAUR, J

JANUARY 17, 2017

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