

\$~9

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

+ W.P.(C) 10174/2016 & CM No.40215/2016

RACHNA SAHNI Petitioner

Through: Mr. Ajay Agnihotri, Adv.
Mr. Bahar U. Barqi, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION

AND ORS Respondent

Through: Mr. Nikhil Goel with Mr.
Ashutosh Ghade, Advs. for
SDMC.

Mr. Sunil Fernandes,
Standing Counsel with Mr.
Arnav Vidyarthi and Ms.
Anuj Thomas, Advs. for
BSES/RPL.

Mr. Sumeet Pushkarna,
Standing Counsel with Mr.
Devanshu and Mr. Susheel
Kumar, Advs. for DJB.

Mr. Pawan K. Bahl, Adv. for
R-5 & 6.

Mr. Anuj Aggarwal, ASC
for R-4 & 9.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

17.11.2017

%

1. At the outset, Mr. Bahar U. Barqi, Advocate submits that the petitioner has engaged another advocate in this matter and that his Vakalatnama may be discharged.

Vakalatnama of Mr. Bahar U. Barqi, Advocate is accordingly discharged.

2. This writ petition raises a grievance in respect of encroachments, unauthorized constructions and misuses in the property bearing Nos.124/1, 124/J (New No.124/2) and 124/K (New No.124/3), Arjun Nagar, New Delhi.

3. Status reports dated 17.01.2017 and 28.10.2017 have been filed on behalf of the South Delhi Municipal Corporation setting out the action which has been taken by the SDMC.

Mr. Pawan K. Bahl, learned counsel for the private respondent Nos.5 and 6 strongly contest the legality of the action taken by the South Delhi Municipal Corporation.

4. Mr. Bahl has also placed an order dated 15th September, 2016 issued by the South Delhi Municipal Corporation addressed to “*All Owners/Occupiers/Residents, P. No.54, Gautam Nagar, New Delhi – 110049*” pointing out that unauthorized construction/deviations have been carried out in the said building, for which order of demolition has already been passed under Section 343(1) of Delhi Municipal Corporation Act, 1957.

It is submitted that this order has been passed in respect of the properties of the petitioner and that the SDMC is required to proceed in the matter in accordance with law.

5. It cannot be disputed that the Municipal Corporations are required to ensure that all constructions are in accordance with law.

Inasmuch as action already stands taken so far as properties in the complaint made by the petitioner is concerned, this writ petition does not need any further adjudication by us.

6. The same is accordingly disposed of.

7. Needless to say that we have not expressed any opinion on the merits of the rival contentions.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 17, 2017/pmc