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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10442/2016 & C.M. Nos.40942/2016, 47062/2016
NAYA UGATA SURAJ SEWA SAMITI (REGD)

..... Petitioner

Through Mr. S.K. Mishra, Adv.

versus

THE COMMISSIONER, SOUTH DELHI MUNICIPAL
CORPORATION & ORS.

..... Respondents

Through Ms. Puja Kalra, Adv for SDMC.
Mr. N.S. Arora, Adv for R-2 along
with SI Sushil Malik.
Mr. Anuj Kumar Garg, Adv for R-3.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **17.01.2017**

A short affidavit on behalf of the respondent is taken on record.

In this affidavit, it has been clarified by the Department that the property bearing No. WZ-508, Village Basai Darapur, Delhi is a part of a large khasra which consists of number of small plots and each of these small flats are given the same number as WZ-508 and are identified by the names of their respective owners/occupiers. It is stated that the information disclosed that the RTI sought for by the petitioner related to the property of one Prithvi which had been constructed in the year 2014. Since the property of said Prithvi and that of respondent No.3 (Dinesh Kumar Tanwar) has the same basic number i.e. WZ-508, Village Basai Darapur, Delhi, this was probably the reason which had created the confusion in the mind of the

petitioner and the two issues were mixed.

Qua the property of Prithvi which had been constructed in the year 2014, the property had been booked; a demolition order had been passed and demolition action qua the said property of Prithvi had been taken on various dates i.e. on 27.05.2014, 21.08.2014 and 01.10.2014.

Qua the property of respondent No.3 (Dinesh Kumar Tanwar), it is stated that this property is also a part of WZ-508, Village Basai Darapur, Delhi. The respondent Corporation has booked the unauthorized construction under the relevant provisions of the DMC Act qua this property on 13.12.2016 for illegal deviations noted on the stilt, ground floor, first floor, second floor and third floor. A show cause notice had been issued to respondent No.3 after following the due process of law. Demolition notice was issued on 23.12.2016 and demolition order was passed on 03.01.2017. It is stated that the sealing orders were also passed on the same day i.e. on 03.01.2017 and the property has been sealed at four points. Learned counsel appearing for the respondent Corporation submits that all actions in accordance with law shall be completed and this action shall be taken to its ultimate goal. This submission of the learned counsel for the respondent Corporation is taken on record. It is hoped and expected that this commitment shall be honoured in true letter and spirit.

Respondent No.3 is also present in Court. He is also apprised of all the proceedings. Learned counsel for respondent No.3 points out that this is in fact a vendetta litigation which has been initiated by the petitioner; this is for the reason that W.P. (C) No.9024/2016 has been

filed by respondent No.3 against certain road encroachers wherein an application had been filed by the counsel for the petitioner under Order 1 Rule 10 of the CPC seeking impleadment in those proceedings. These facts are not disputed. Further submission of learned counsel for respondent No.3 is that the petitioner is not the native of the present village; he lives miles away from the present locality.

Necessary police assistance shall be given by the local police as and when so required.

No further orders are called for on this petition. It is disposed of.

INDERMEET KAUR, J

JANUARY 17, 2017
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