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

+ W.P.(C) 6214/2017 and CM APPLs. 25816/2017 & 42005/2017

KSHITIJ KUMAR Petitioner
Through Mr. Akshay Bhatia, proxy counsel.
versus

THE COMMISSIONER, SOUTH DELHI MUNICIPAL
CORPORATION & ORS Respondents
Through Mr. Arun Bhardwaj, Adv.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **20.11.2017**

Instant petition has come to be filed alleging unauthorized construction in property no. WZ-86C, Ram Nagar, Tilak Nagar, New Delhi. The proceedings of the second date of hearing, are, as follows :

“Now when the matter is again taken up after lunch and Executive Engineer is present, neither the petitioner nor the counsel is present. Ld. counsel for the respondent on his part submits that the property subject matter of the petition, could not be identified. Petitioner to get in touch with the Executive Engineer during the office hours and apprise of the details of the property, subject matter of the petition.

List on 20th November, 2017.”

Today, an application under Section 151 CPC has come to be listed and as per the averments made in the application, the subject property, where the unauthorized construction is raised, is bearing no. WZ-43C, Ram Nagar Extension, Tilak Nagar, New Delhi. On being queried, ld. counsel appearing for the petitioner, states that the petitioner is residing in the neighbourhood and directly affected by the unauthorized construction. In the event, the petitioner was living

in the neighbourhood, there is no reason, why there could be such a confusion about the correct address of the property, where unauthorized construction was taking place. Petitioner, as per the affidavit filed, is aged about 28 years and on being queried as to his profession, ld. counsel feigns ignorance. Petition filed does not seem to be bonafide. Petitioner may be a pawn of the respondent owner/builder or of a disgruntled official of the respondent Corporation. Petition appears to have been filed with ulterior motives and such petitions cannot be encouraged. More so, for the reasons that such instances of unauthorized constructions coming to the Court encourages unscrupulous elements to misuse the process of Court, may be, for the builder or to serve some ulterior motives of the officials of Corporation or the police and enjoy the fruits of an illegality. Sight however, cannot be lost of the fact that it is bounden duty of the Commissioners of the Municipalities and police to ensure effective checks on the unauthorized constructions/ activities. Petition is therefore, disposed off with the directions to the Commissioner, SDMC, as also the Commissioner of Police, Delhi, to look into the allegations made in the petition and take the requisite necessary steps to discharge the statutory obligations in a time bound fashion, preferably, within four weeks from today. Petition and the pending applications stand disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 20, 2017

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