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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6266/2017 & CM APPL. 25964-25965/2017**

DIN DAYAL AGGARWAL Petitioner
Through **Mr. Davesb Bhatia and Mr. Saurabh Kumar, Advs.**

versus

EAST DELHI MUNICIPAL CORPRATION & ORS.Respondents
Through **Mr. Jagdish Sagr, Adv. with Mr. S.D. Tomar, Ex.EM, EDMC.**

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **31.10.2017**

Petitioner approached this Court alleging unauthorized construction in property bearing no. 1/5271, Street No.10, Near Jain Mandir, Balbir Nagar, Shahdara, Delhi -110 032.

In the status report, the respondent-EDMC has stated, as follows :

“1. That the construction at the impugned site had been erected without the Sanctioned Building Plan, therefore, the unauthorized construction had been booked vide file no. 295/UC/B-II/SH-N/2016 dated 14.09.2016. Show Cause Notice vide No. 295/UC/B-II/SH-N/2016 dated 14.09.2016, u/s 343 & 344(1) of the DMC Act 1957, had been sent to Sh. Yogesh Sharma,1/5271, Gali No.10, Balbir Nagar Extension, Shahdara, Delhi. As the owner/occupier had failed to comply with the directions of the show cause notice therefore demolition orders had been passed by the area Assistant Engineer (Bldg.) on 14.10.2016. Copy is enclosed as Annexure-R-1.

2. That Vacation Notice u/s 349 of DMC Act 1957, was served to Sh. Yogesh Sharma, Owner/Builder vide letter no. EE(B)-II/SH-N/2017/D-100 dated 06.07.2017 to vacate the premises so that EDMC may take demolition action against unauthorized construction in existing in the impugned property. Copy is annexed as Annexure R-2.

3. That demolition action was taken on 21.08.2017 wherein two panels of Reinforced Cement Concrete roof slab, at Third floor had been cut/demolished. Because the action is not complete over the impugned property, therefore, further demolition actions have been fixed for 25.09.2017, 16.10.2017 & 17.10.2017. Further demolition action had been taken on above said dates wherein roof slabs of Fourth Floor & Third Floor had been demolished. Photograph taken at site during demolition actions are annexed herewith and marked as Annexure R-3 (colly).

4. That Sealing Show Cause Notice vide no. DC/SH-N/B-II/ 2017-D379 dated 20.06.2017, u/s 345-A of the DMC Act 1957, had been served to sh. Yogesh Sharma, 1/5271, Gali No.10, Balbir Nagar Extension, Shahdara, Delhi. As no reply from Sh. Yogesh Sharma had been received in this office therefore Sealing Order were passed by the Deputy Commissioner, Shahdara (north) Zone on 21.08.2017. Pursuant to the Sealing Order, the property bearing no. 1/5271, Gali No.10, Balbir Nagar Extension, Shahdara, Delhi had been sealed at 4 points i.e. one at main entry, one point at Mumty, two points at Third Floor & Forth Floor on 25.09.2017. A copy of Sealing Order(s) is annexed herewith as Annexure R-4 (colly).”

In view of the actions taken, Id. counsel for the petitioner submits that he has instructions to withdraw the petition. In view of the actions taken and the submissions made on behalf of the petitioner, petition and the pending applications stand disposed off accordingly.

A. K. CHAWLA, J

OCTOBER 31, 2017

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