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

+ **W.P.(C) 8182/2017**

BICHITRA PRADHAN Petitioner
Through Petitioner in person.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents
Through Ms. Mohita, proxy counsel for Mr.
Ajay Digpaul, Advocate for SDMC.
Mr. Divyanshu Goyal and
Mr. Yatharth Nayyar, Advocate for R-
2 and R-3.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **25.10.2017**

Now, when the matter is again taken up in the post-lunch session, ld. Counsel for the petitioner is said to have fallen sick and being not available.

By the petition, the petitioner has sought issuance of a Writ of Mandamus to the respondent no.1-SDMC for the alleged unauthorized construction in property bearing no. D-64, Anand Niketan, New Delhi. In the status report dated 24.10.2017, the respondent has stated, as follows :

“3. That further as per record the property in question is also stands booked in the shape of deviations of excess coverage against sanctioned building plan vide unauthorized construction file bearing no.98/ UC/ B-I/ SZ/ 2017 dated 17/03/2017 u/s 343/344 of DMC Act, for taking the necessary

demolition action. Upon following the due process of law in this regard the necessary demolition order/notice is also stands passed/issued vide dated 28/03/2017. The copy of the demolition order/notice in this regard is annexed herewith as Annexure-B.

4. That further it is pertinent to point out that pursuant to aforesaid demolition order the department has also taken/carried out a demolition action vide dated 16/08/2017 in respect of the property in question and upon availability of police force, demolished partition wall of two rooms at Basement. The photographs of the demolition action as taken in this regard as annexed herewith as Annexure-C (colly).

5. That in order to take further demolition action in respect of the property in question the department has now fixed the programme for 14/11/2017 which will be taken upon availability of police force.”

In view of the actions taken and contemplated, nothing further survives in the petition as of now. Here, it may be noted that during the pre-lunch session, ld. Counsel for the petitioner was queried, as to what is the concern of the petitioner in filing the instant petition and it transpires that the petitioner had done some work in the subject property and certain disputes have arisen amongst the petitioner and the owner/builder and that prompted the petitioner to file the instant petition. It appears to be a misuse of process of law, inasmuch as, now, when the matter is again taken up, even the counsel for the petitioner has abstained to appear. Petition therefore, stands disposed off accordingly. Liberty is however, reserved to the petitioner to approach this Court afresh, if any cause of action survives.

A. K. CHAWLA, J

OCTOBER 25, 2017

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