

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6711/2017 and CM APPLs. 27962/2017 & 34705/2017

SATYA DEV Petitioner
Through Ms. Mona Tomar, Adv.

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS
..... Respondents
Through Mr. Shitij Vats, Adv. for EDMC/R-1.
Mr. Rahul Sharma and Mr. C.K.
Bhatt, Advs. for Delhi Police/R-2.

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

ORDER
% **30.11.2017**

Petitioner approached this Court alleging unauthorized construction in property bearing no. C-33/617, Gali No.3, Ganesh Nagar-II, Shakarpur, Delhi -110 092.

In the status report filed on behalf of the respondent-EDMC, it is stated, as under :

“1. That, the suit property bearing no. C-33/617, Gali No.3, Ganesh Nagar-II, Shakarpur, Delhi-92 has been inspected by Junior Engineer (Bldg.) concerned on 04.08.2017. During inspection, it was found that owner/Architect had intimated the Respondent EDMC under Saral Scheme of Unified Building Bye Laws-2016 (meant for construction of plots upto 105 sq.mtr) regarding start of construction, which was duly acknowledged by the respondent. During inspection, deviations in the shape of projections at Municipal land etc. at

Stilt, Ground Floor & First Floor against Unified Building Bye Laws-2016 were also noticed at site.

2. That , the work stop notice u/s 344 of DMC Act, vide no.AE(B)-II/SH(S)/2017-18/D-793 dated 04.08.2017 has been sent to SHO-P.S. Shakarpur with request to stop the unauthorized construction activity, to remove workmen present in the premises and to seize the construction material including tools, machinery, etc. involved in the execution of work so that no further unauthorised construction can be carried out at the site with a copy to the owner Sh. Anant Pal Singh.

3. That, construction beyond Unified Building Bye-Laws-2016 has been booked vide booking file no.278/B/UC/SS/17 dated 04.08.2017. A show Cause Notice vide dated 04.08.2017 has been sent to owner Sh. Anant Pal Singh. The reply of which is awaited. Further action will be taken in due course of time after maturing the booking file.”

Ld. Counsel for the petitioner submits that she has instructions to withdraw the petition in view of the fact that the wife of the petitioner has also filed a suit in relation to the subject matter.

Keeping in view the totality of the facts and circumstances, especially, the action taken and contemplated by the respondent-EDMC, nothing further survives in the petition and is disposed off accordingly. Pending applications also stand disposed off accordingly. Liberty is however, reserved to file a fresh petition, if, a fresh cause of action arises.

A. K. CHAWLA, J

NOVEMBER 30, 2017

rc