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

+ **W.P.(C) 7282/2017**

SOCIETY OF SOCIAL JUSTICE & EDUCATION (REGD.)

..... Petitioner

Through None.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Anuj Aggarwal, ASC for R-1 & R-3.

Mr. Rajan Tyagi, Adv. for R-2.

Mr. Kirti Uppal Sr. Advocate with Counsel (name not given) for R-4.

SI Shah Faisal, PS Sunlight Colony.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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17.11.2017

Instant petition is filed alleging unauthorized construction in property bearing no. 87, Hari Nagar, Ashram, New Delhi. While none appears for the petitioner, in the status report filed by the respondent-South Delhi Municipal Corporation, it is stated, as follows:

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3. That it is factually incorrect that writ property has been constructed unauthorizedly. The building plan in respect of writ property was sanctioned vide File (ID No.10040239 dated 19/06/2017 for the construction of residential building consists of Basement, Stilt, Ground floor, First Floor, Second floor and Third Floor on plot measuring 267.55 Square Meters in size.

4. That existing structure of writ property consists of Basement, Stilt to Third Floor. The building is structurally complete. On 18/08/2017, the concerned official of answering respondent noticed deviation against sanctioned building plan in the shape of excess coverage. It is submitted that excess coverage beyond the sanctioned plan regardless of it within the permissible norms remains actionable till the same is got regularized. The answering respondent booked the excess coverage against sanctioned plan for action u/s 343 of the DMC Act 1057 vide File No.499/B/UC/EE(B)II/17 dated 18/08/2017. The competent authority after following due process of law passed order of demolition.

5. That owner of writ property has filed application for getting the excess coverage beyond the sanctioned plan but within the permissible norms as per Master Plan-2021. The same is being processed vide File No. 68/B/UCR/CZ/2017. The action against non-compoundable deviations, if any, will be carried out as soon as application for regularization is finalized.”

During the course of hearing, Mr. Uppal, Sr. Counsel appearing for respondent no.4 submits that the instant property is the same as is the subject matter of W.P.(C) 10146/2017 that has already come to be disposed off today. Directions given in W.P.(C) 10146/2017 shall apply mutatis mutandis to the instant matter equally. Petition stands disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 17, 2017

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