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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 571/2017 and CM APPL. 29314/2017

FATIMA Petitioner
Through Mr. Alamgir, Adv.

versus

VISHWENDRA & ORS Respondents
Through Mr. Ajjay Aroraa, Adv. for SDMC.
Mr. Ravi Chaturvedi, Adv. for State
with SI Rohit Kumar, PS Jamia
Nagar.

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

ORDER
% **30.11.2017**

Instant petition came to be filed alleging violation of order dated 22.2.2017 disposing off WP(C) 1666/2017 Smt. Fatima Vs. The Commissioner, SDMC & Ors., which was filed alleging unauthorized construction and the inaction thereagainst, by SDMC. In the status report filed on behalf of the respondent, it is stated, as under:

“4. That matter came up for hearing on 22.02.2017. It was informed that answering respondent had already taken cognizance of unauthorised construction of first floor over the old existed ground floor. The unauthorised construction of first floor was booked u/s 343 of the DMC Act 1957 vide File No. 94/B/UC/EE(B)I/CNZ/2017 dated 09.02.2017.

5. That this Hon'ble Court vide order dated 22.02.2017 disposed of the petition with the direction to

respondent/SDMC to take further action in true letter and spirit.

6. That to execute the demolition order, the respondent/SDMC planned program, which was to be carried out on 19.04.2017. However, the said program could not be materialized due to non-availability of police force from PS-Jamia Nagar.

7. Pursuant to above order Shri Laxman Singh, who claimed to be the owner of writ property, challenged the demolition order before Appellate Tribunal by filing Appeal no.247/2017 "Laxman Singh V/s South DMC". The Tribunal vide order dated 02.05.2017 directed respondent/SDMC not to carry out any demolition in the property of the appellant. The copy of said order dated 02.05.2017 is annexed herewith as Annexure-A. The stay is still continued. The appeal is now listed for hearing on 01.12.2017.

8. That it is respectfully submitted that existing status i.e. ground and first floor of writ property is similar to what it had when the aforesaid order dated 22.02.2017 by this Hon'ble Court. The photograph showing the existing status of the writ property is annexed herewith as Annexure-B.

9. That respondent/SDMC will plan special program to demolish the alleged unauthorised construction as soon as stay is vacated by Appellate Tribunal."

In view of the action taken and contemplated, the petition is disposed off. It is however, clarified that if any further cause of action arises, the petitioner would be at liberty to file a fresh writ petition seeking the appropriate writs. Petition and the pending application stand disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 30, 2017

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