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

+ **W.P.(C) 7467/2017**

MOHD ZAHID

..... Petitioner

Through **Mr. M. Hasibuddin, Adv.**

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through **Mr. Surindra Sinha, Mr. Tarun Gaur
and Ms. Geetanshu Rustagi, Advs.
SDMC/R-1.**

Mr. Sharat Kapoor, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% 06.12.2017

Instant petition came to be filed alleging unauthorized construction in property bearing no. F-76, Abdul Fazal Enclave Part-I, near Char Minar Masjid, Jamia Nagar, New Delhi -110025.

In the action taken report dated 5.11.2017 filed on behalf of the SDMC, it is stated as under :

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3. That it is respectfully submitted that initially respondent/SDMC booked the writ property for unauthorized construction of Stilt to Second Floor. The demolition proceedings u/s 343 of the DMC Act, 1957 against the said unauthorized construction was initiated vide File No.496/B/UC/EE(B)-I/CNZ/2017 dated 11/08/2017. The respondent / SDMC issued shows cause notice bearing printed No.6708 dated 11/08/2017 in the name of Shri Arif. The Noticee instead of maintaining status quo till the finalization

of demolition proceedings raised further unauthorized construction of third and fourth floor. The respondent / SDMC booked the same u/s 343 of the DMC Act 1957 vide file No.515/B/UC/EE(B)-I/CNZ/2017 dated 01/09/2017. The competent authority after following due process of law passed demolition order.

4. That respondent / SDMC has also initiated sealing proceedings u/s 345-A of the DMC Act against the aforesaid unauthorized constructions.

5. That respondent / SDMC has also sent letter to Delhi Jal Board and BSES Rajdhani Power Limited for disconnection of Water & Electricity connection of the property. In this regard, copy of letter bearing No.D/524/AE(B)-I/CNZ/2017 dated 26/07/2017 is annexed herewith as Annexure-R-1. Further, the respondent / SDMC has also proceedings u/s 466-A of the DMC Act to prosecute the offender in the court of law.

6. That on 14/09/2017, respondent / SDMC carried out demolition action. During said program, respondent cut down two panels of RCC roof of second floor and three panels of RCC roof of fourth floor.

7. That on 18/09/2017, respondent / SDMC carried out further demolition action and cut down three panels of RCC roof of fourth floor. Further action was to be carried out on 25/09/2017. However, due to non-availability of police force, program could not be materialized.

8. That further program was fixed on 25/10/2017. However, due to shortage of time action at writ property could not be carried out as much of time exhausted in carrying out demolition action at another property, which was also subject matter of WP(C) No.5123/2017 titled "Ajaz Ahmed V/s South DMC". The fate of program fixed on 30/11/2017 remained same for the reason stated above.

9. That in the schedule of demolition / sealing program for the month of December-2017, under PS-Jamia Nagar, is fixed on 05/12/2017. The respondent / SDMC will carry out action at writ property during said program. The copy of letter bearing No.D/538/EE(B)-I/Central Zone/2017 dated 30/10/2017 sent to Deputy Commissioner of Police (South-East) District with specific reference of present writ for providing police assistance is annexed herewith as Annexure-R-2."

In view of the action taken and contemplated, nothing further

survives in the petition. Petition stands disposed off accordingly. Liberty is however, reserved to the petitioner to approach this Court afresh, if, further cause of action arises.

A. K. CHAWLA, J

DECEMBER 06, 2017

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