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

+ **W.P.(C) 8302/2017 & CM APPL. 34167-34168/2017**

RASHMEET KAUR & ANR

..... Petitioners

Through

Counsel for the petitioner (name not given).

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through

Ms. Prabhshay Kaur and Mr. Shakti Priyan Nair, Advs. for R-1, R-4 & R-5.

Mr. Virender Pratap Singh Charak and Ms. Shubhra Parashar, Advs. for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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24.10.2017

An affidavit for the action taken has come to be handed over by the respondent-SDMC. Copy is supplied.

Petitioner approached this Court seeking issuance of a Writ of Mandamus to the respondent-SDMC for the alleged unauthorized construction in property bearing no. E-382, Tagore Garden Extn., New Delhi. During the course of hearing, a status report/affidavit has come to be handed over and relevant to the subject, it states, as under :

“4. That further, the Answering Respondents booked the third floor/terrace area of the subject property for unauthorized construction vide File No. EE(B)-I/ WZ/ UC/ 2017/391 dated September 13, 2017 and accordingly, a Show

cause Notice under Sections 343 & 344 of the Delhi Municipal Corporation Act, 1957 ("DMC Act") was issued to the owner/builder/occupier of the subject property. No reply was received against the show cause notice, therefore, after following the due process of law, a demolition notice was issued and demolition orders were passed.

5. That the property was occupied and locked, therefore, a Vacation Notice and Lock Breaking Notice was issued to the owner/occupier of the subject property and demolition action was taken on 13.10.2017 and during the demolition action three RCC roof slab panels were demolished and cut the reinforcement bars with the help of gas cutter and the third floor/terrace area of the subject property was rendered inhabitable/unfit for occupation. Photographs of the third floor/terrace area before and after the demolition action are enclosed hereto and marked as Annexure R-1 (colly)."

Keeping in view the action taken and contemplated, the petition is disposed off with the liberty to the petitioner to file a fresh petition, if cause of action survives. Any further action shall be taken by the respondent-SDMC as expeditiously as possible. Petition stands disposed off accordingly.

A. K. CHAWLA, J

OCTOBER 24, 2017

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