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

+ W.P.(C) 8346/2017 and CM APPL. 34460/2017 (Stay)

RAJESH KUMAR

..... Petitioner

Through Mr. Ranjeet Singh Tyagi, Advocate

versus

EAST DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Mr. G.D. Mishra, Standing Counsel
for R-1

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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27.10.2017

Petitioner has approached this Court alleging unauthorised construction in the property bearing No. House No.D-1/152, Gali No.3, Ashok Nagar, Shahdara, Delhi-110093.

In the status report dated 25.10.2017, the respondent/EDMC in paras 2 to 4 has stated as follows:-

“2. That subsequently the unauthorized construction had been booked vide file no.277/UC/B-II/SH-N/2017 dated 03.08.2017. Show Cause Notice vide No. 277/UC/B-II/SH-N/2017 dated 03.08.2017, u/s 343 & 344(1) of the DMC Act 1957, had been sent to Sh. Rahul Jain, D-1/152 (Part), Gali No.3, Ashok Nagar, Shahdara, Delhi. As no reply from Sh. Rahul Jain had been received in this office therefore demolition orders were passed by the area Assistant Engineers on 31.08.2017.

3. That in order to execute the demolition orders dated 31.08.2017, special demolition programme were fixed for 23.10.2017 & 24.10.2017. The programme fixed for 23.10.2017 could not be executed due to non-providing of

police force by the Delhi Police. However, the programmes fixed for 24.10.2017 had been executed wherein the roof slabs at Fourth floor/Third Floor had been demolished. Photographs taken at site during demolition actions are annexed herewith and marked as Annexure R-I (Colly).

4. That Sealing Show Cause Notice vide No.DC/SH-N/B-II/2017-D-488 dated 24.08.2017, u/s 345-A of the DMC Act-1957, had been served to Sh. Rahul Jain, D-1/152, Gali No.3, Ashok Nagar, Shahdara, Delhi. As no reply from Sh. Rahul Jain had been received in this office therefore Sealing Orders were passed by the Deputy Commissioner on 26.09.2017. Pursuant to the Sealing Order, the property was sealed at 5 points at Ground Floor, one at Main Gate & 4 points at rolling shutter on 27.09.2017. A copy of the Sealing Order is annexed herewith and marked as Annexure R-2.”

Ld. Counsel for the petitioner does not dispute the fact of the actions taken by the respondent/EDMC, as stated above. In view of the action taken and contemplated, nothing further survives in the petition and the same along with pending application stand disposed off accordingly. Should there be a fresh cause of action, the liberty is reserved to the petitioner to file a fresh petition.

A. K. CHAWLA, J

OCTOBER 27, 2017

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