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

+ **W.P.(C) 9075/2017 & CM APPL. 37109-37110/2017**

ANTODAY SARV SAMAJ SANSTHAN (AN NGO)..... Petitioner
Through Mr. Murari Gupta, Adv.

versus

THE DEPUTY COMMISSIONER, SOUTH DELHI MUNICIPAL
CORPORATION & ORS Respondents
Through Ms. Puja Kalra, Adv. for SDMC/R-1.
Mr. Sanjay Dewan and Ms. Palak
Rohmetra, Advs. for R-2 & R-3.
Ms. Suneha Jain, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% 31.10.2017

CM No. 39008/2017 (waiver of cost)

Status reports have come to be filed and Ms. Kalra, ld. counsel for respondent-SMDC prays for waiver of costs. In view of the averments made in the application, cost imposed is waived, in the given facts and circumstances. Application stands disposed off accordingly.

W.P.(C) 9075/2017

Petitioner approached this Court alleging unauthorized construction in property bearing no.113/9 (Old khasra no. 1674 and new khasra no.1169 to 1214), Kishan Garh, Vasant Kunj, New Delhi-110 070.

In the status report dated 25.10.2017, the respondent-SDMC has stated, as follows :

“2. That it is submitted that upon referring the official record, it has been revealed that the property in question, i.e. plot bearing No.113/9 (old Khasra No.1674 and new Khasra No.1169 to 1214), Kishan Garh, Vasant Kunj, New Delhi is already stands booked vide file No.308/UC/B-II/SZ/17 dated 17/07/2017 for unauthorized construction in the shape of Basement work without permission from SDMC and further booked vide file No. 506/UC/B-II/2017 dated 12/10/2017 in the shape of Basement to Second floor (in continuation to the earlier booking No. 308/UC/B-II/SZ/17 dated 17/07/2017), for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law in this regard the necessary demolition orders also stands passed by the competent authority i.e. the AE (Bldg), South Zone on 24/07/2017 & 23/10/2017. The copy of the demolition orders/notices in this regard are annexed herewith as Annexure R-1/A (Colly).

3. That furthermore, a letter bearing No.D-2010/ AE(B)/ SZ/ 17 dated 13/10/2017 u/s 344 (2) of the DMC Act, has also been sent to SHO, PS, Vasant Kunj North with the request that the said unauthorized construction be stopped immediately and workmen present at site/property in question be removed and construction material including the tools, machinery, etc. Be seized. Copy of the said letter is annexed as Annexure-R-1/B.

4. That besides this letter for disconnection of electricity and water supply from the aforesaid property has also been sent to the concerned authorities vide letter No.D/2008/AE(B)/ SZ/17 dated 13/10/2017. Copy of the said letter is annexed as Annexure R-1/C.

5. That, moreover, letter bearing No.D/ 2009/AE(B)/ SZ/ 2017 dated 13/10/2017 has also been sent to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letter is annexed as Annexure R-1/D.

6. That further it is also relevant to point out that in respect of the property in question the necessary sealing proceedings u/s 345-A of DMC Act, have also been initiated and further action in this regard will be taken in due course of time upon following due process.

7. That in order to execute the aforesaid demolition orders

the department has fixed the necessary demolition programme/action in respect of the property in question for 30/10/2017, which will be taken upon availability of police force.”

As per the status report, the construction was getting raised in an unauthorized colony and Ms. Kalra, ld. counsel for the respondent-NDMC submits that on 30.10.2017 i.e. yesterday, the remaining further demolition action has come to be taken and that, now, the steps are being taken for sealing the subject property.

In view of the actions taken and contemplated, nothing survives in the instant petition and is disposed off accordingly alongwith the pending applications. Liberty is however, reserved to the petitioner or any other person to approach this Court afresh in the event, a fresh cause of action arises.

A. K. CHAWLA, J

OCTOBER 31, 2017

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