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

+ **W.P.(C) 9703/2017 & CM APPL. 39507/2017**

SYED WAJID ALI NIZAMI Petitioner

Through : **Mr. Mujeeb Ahmed, Adv.**

versus

SOUTH DELHI MUNICIPAL CORPORATION

(SDMC) AND ORS. Respondents

Through : **Mr. Tushar Sannu, Adv. for SDMC**

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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03.11.2017

Petitioner has approached this Court alleging unauthorized constructions and the respondent-SDMC failing to rise from its slumber on the complaints given in writing and otherwise. Prayer made in the petition is as follows:-

- “a) Direct the respondents immediately seal/stop the illegal unauthorized and substandard construction;**
- b) Direct the respondents to demolish the same;**
- c) Initiate appropriate legal action against the builder for raising the said illegal, unauthorized and substandard construction within the prohibited area;**
- d) Direct the respondent No.1 to take stern appropriate penal action against its officials who are responsible for the aforesaid unauthorized, illegal and sub standard construction in the locality;**

e) Any other order or further directions which this Hon'ble Court may deem fit and proper also be passed in favour of the petitioner."

Though the petition and the prayer foregoing, does not specifically refer to the municipal number of the properties or give the specific description of the location, where the unauthorized constructions in violation of the municipal bye-laws, and, possibly, in violation of the statutory provisions of ASI are being blatantly made, the photographs and the complaints, copy whereof is annexed to the petition, indicate to some effect. Learned counsel for the respondent, on his part, submits that the show cause notices for the unauthorized constructions getting raised and work stop notices have already been issued, but, he does not have the details thereof. Be that as it may, the submission made on behalf of the respondent-SDMC, is to concede that unauthorized constructions are getting raised and, that, some kind of writing work has atleast been undertaken by the respondent-SDMC.

Keeping in view the totality of the facts and circumstances, the writ petition is disposed off with the directions to the Commissioner SDMC and the DCP (South-East), within whose jurisdiction unauthorized constructions are getting raised, to take the necessary steps as provided under law expeditiously and ensure that no illegal activities of construction get carried out. Liberty is, however, reserved to the petitioner to approach this Court afresh giving the specific particulars of the property where unauthorized constructions are getting raised, if, any inaction in discharge of the statutory obligations

is noticed. Copy of this order be sent to Commissioner SDMC and Commissioner of Police, Delhi to ensure compliance.

Petition stands disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 03, 2017

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