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

+ W.P.(C) 10418/2017

ANWAR ALI

..... Petitioner

Through Mr. Dhananjay Kumar Mishra, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through Ms. Tajinder Viridi, Adv. for R-1 & R-2.

Mr. Gursharan Singh, Adv. for R-3
with SI Naresh Kumar, PS Kamla
Market.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **29.11.2017**

Instant petition has come to be filed alleging unauthorized construction in property bearing no. 2752, Mohalla Niyariyan, G.B. Road, Ajmere Gate, Delhi, in short, 'the subject property'.

As per the averments made in the petition, 1st, 2nd, 3rd and 4th floors have come to be constructed after the demolition of the old existing structure on the 1st floor. During the course of hearing, ld. Counsel for the respondent-North Delhi Municipal Corporation has sought to place on record a copy of the show cause notice dated 22.6.2017. Same is taken on record. As per this show cause notice, ground floor, 1st floor and second floor had come to be raised. Instant petition has come to be filed by the petitioner claiming to be the

owner and in occupation of the ground floor, inasmuch as, in para 2 of the petition, it is stated, as under :

“That the petitioner is the owner of ground floor portion of property bearing no. 2752, Mohall Niyariyan, G.B. Road, Ajmere Gate, Delhi -110006 and respondents No.4 and 5, who are the nephews of the petitioner namely Sarfaraz Ali and Mazhar Ali are residing on the first floor and second floor of the aforesaid property.”

Alongwith the petition, a copy of the complaint dated 12.7.2017, has come to be annexed for the action being taken against the alleged unauthorized construction. Ld. Counsel for the respondent concedes that such complaint was received in the office of the respondent-North Delhi Municipal Corporation on 21.7.2017. Filing of the instant petition as of now i.e. end of November, 2017, raises serious doubt about bonafide of the petition. It appears that the instant petition has come to be filed with ulterior motives. More so, when, according to the respondent, the property has come to be booked for unauthorized construction even for the ground floor, as per the show cause notice dated 22.6.2017. It appears to be a ploy on the part of the owner/builder(s) and the official(s) of the respondent-North Delhi Municipal Corporation, to misuse the process of the Court. Simultaneously, one cannot overlook the fact that huge unauthorized construction has come to be raised, which, according to the Ld. Counsel for the petitioner, as of today, is raised upto 5th floor. Petition is therefore, disposed off with a direction to the Commissioner, North Delhi Municipal Corporation, as also, Commissioner of Police, Delhi, to take immediate necessary steps,

not only for the unauthorized construction, but, also, against the concerned officer(s)/official(s), who would have connived, for raising of the unauthorized construction to such an extent and having acted paper tigers. Needful be done, within four weeks from today.

Dasti also under the signatures of the Court Master.

A. K. CHAWLA, J

NOVEMBER 29, 2017

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