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

+ **W.P.(C) 10753/2017**

ANIL KUMAR Petitioner

Through **Ms. Urvashi Singh, Advocate**

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through **Ms. Puja Kalra, Advocate for NDMC**

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **04.12.2017**

W.P.(C) 10753/2017 and CM APPL. 44092/2017 (for interim directions)

Instant petition has come to be filed alleging unauthorised construction in two properties. The prayer clause, reads, as follows:

“1. Issue ad interim injunction in favour of the petitioner and against the Respondent thereby directing the Respondent no.1 to book the illegal construction which has been carried out on the second floor of house number WZ-45 and WZ-51 Shadi Khampur, West Patel Nagar, New Delhi-110008, seal the same and demolish the same under Sec 344 (1) of the Delhi Municipal Corporation Act, 1957.

2. Issue ad interim injunction in favour of the petitioner and against the Respondents thereby restraining Respondent no. 2 to 4, their agents, assignees from raising any further illegal construction in property i.e. property No. WZ-45 and WZ-51 Shadi Khampur, West Patel Nagar, New Delhi-110008, till the final disposal of the present writ petition in the interest of justice.”

For the unauthorised construction(s), a complaint is said to have been made by the petitioner on 09.11.2015. By now, it is more than two years, and the photographs of the property bearing WZ-51, which find place at pages 26 to 30, reflect that the subject property is complete, and, apparently occupied. At this stage, ld. counsel for the petitioner interjects to say that further unauthorised construction is however being raised on the top floor of the property bearing No.WZ-51, and that in the process, a fifth floor will also come to be added.

As for the property bearing no.WZ-45, the entire construction, Ms. Kalra, ld. counsel for the respondent-North Delhi Municipal Corporation submits, is unauthorised and has come to be booked on 01.12.2017 and further necessary action shall follow.

Were the officials of NDMC oblivious of such construction(s), which according to the petitioner are unauthorised? It should not be so. It does not require reiteration, as has come to be observed in numerous orders passed by this Court in the recent past, that, this happens only when the builder, officials of Corporation and the police connive.

In this background, the instant petition is not kept pending to monitor the progress, especially, when the construction in one property is already complete, and, in the other, one or two more floors are getting raised. Petition is disposed off with directions to the Commissioner, NDMC, as also the Commissioner of Police, Delhi to look into the instant cases of unauthorised construction(s) and take immediate necessary steps against the illegal actions and/or demolish

the unauthorised construction, as expeditiously, as possible, preferably, within four weeks from today. Action(s) taken shall be duly informed to the petitioner.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

DECEMBER 04, 2017

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