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

\+ **W.P.(C) 10414/2017**

% **Date of Decision: 29th November, 2017**

VIKASH SHARMA ..... Petitioner
Through: Ms. Vijaylaxmi Jha, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR ..... Respondent
Through: Mr. Praveen Aggarwal, Adv. for R-1.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition complains of illegal and unauthorized constructions in property bearing House No.886 (opposite State Bank of India) Ward No.8, Sarai Mehrauli, New Delhi – 110030.

2. The petitioner has filed the writ petition for the reason that despite a complaint made to the respondent No.1 on 9th November, 2017, no action has been taken so far.

3. Mr. Praveen Aggarwal, learned counsel for the respondent No.1-South Delhi Municipal Corporation, appeared on advance notice on 27th November, 2017 and sought time to file the status report on behalf of the South Delhi Municipal Corporation. The

same has been handed over today in the Court, which is taken on record.

4. For expediency of the matter, we extract the contents of the status report which read as follows:

> *"2. That it is submitted that the field staff of the answering Respondent /SDMC have inspected the subject property i.e. adjoining House No.886, Ward No.8 opposite s.b.i bank, Sarai Mehrauli [as mentioned in the instant petition by the petitioner herein], on 22/11/2017 and also referred the record available in this regard. Upon perusing the same it has been revealed that as per record of Building Department, South Zoe, SDMC, the property in question has been identified as property adjoining to Maruti Competent, Plot No.886, ward No.8, Mehrauli, New Delhi.*
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> *3. That it is further submitted that the said property already stands booked vide file No.593/UC/B-II/SZ/17 dated 10/11/2017, for unauthorized construction in the shape of Stilt, Ground floor to Fourth floor for taking the necessary demolition action u/s343/344 of DMC Act. Upon following the due process of law in this regard the necessary demolition order also stands passed by the competent authority i.e. the then AE (Bldg), South Zone on 17/11/2017. The copy of the demolition order/notice in this regard is annexed herewith as Annexure R-1/A.*
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> *4. That furthermore, letter No.2420/AE(B)/SZ/17 dated 24/11/2017 u/s 344(2) of the DMC Act, has also been sent to SHO, PS, Mehrauli 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 letters are annexed as Annexure-R-1/B.*

5. That besides this letter for disconnection of electricity and water supply from the aforesaid property have been sent to the concerned authorities vide letter No.2418/AE(B)SZ/17 dated 24/11/2017. Copy of the said letter is annexed as Annexure R-1/C.

6. That, moreover, a letter baring NO.2419/AE(B)/SZ/2017 dated 24/11/2017 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 letters is annexed as Annexure R-1/D.

7. That further it is also stated that in respect of the property in question the necessary sealing proceedings u/s 345-A of DMC Act and Prosecution action u/s 466-A of the DMC Act, have also been initiated against the owner/occupier of the subject property.

8. That furthermore, it is relevant to point out here that in order to execute the aforementioned demolition order, in respect of the property in question, the department has fixed the demolition action on 06/12/2017 which will be taken /carried out upon availability of police force."

5. The respondent No.1 shall ensure that the demolition is fully effected and further that no occupancy, illegally or unauthorizedly, permitted to be allowed in the said property in violation of Section 346 of the Delhi Municipal Corporation Act, 1957.

6. The respondent No.1 shall, within two days from today, also place on record in the instant writ petition a list of all the officers of the Building Department of South Delhi Municipal Corporation.

7. In view of the above, this writ petition is disposed of with a

direction that the respondent No.1 shall abide by the statements made in the said status report.

8. The petitioner is at liberty to file an appropriate petition in accordance with law in case there is violation of the statements made in the status report or order of this Court.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 29, 2017/pmc