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

+ W.P.(C) 10701/2017 and CM APPL. 43860/2017

MANDEEP SINGH

..... Petitioner

Through None.

versus

THE COMMISSIONER, SOUTH DELHI MUNICIPAL
CORPORATION & ORS.

..... Respondents

Through Mr. Tushar Sannu, Adv. for SDMC.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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01.12.2017

Instant petition has come to be filed alleging unauthorized construction in property bearing no. WZ-111F, Gali No.5, Behind Ramgarhia Gurudwara, Shiv Nagar, New Delhi -110058.

2. While none appears for the petitioner, though, the matter is again taken up after a pass over, ld. Counsel for the respondent-SDMC, submits that the unauthorized construction in the subject property has come to be booked today itself . Ld. Counsel for the respondent-SDMC seeking to place on record a photograph of the present state of the construction in the subject property, submits that the photograph sought to be placed on record is of today only. Alongwith the photograph, ld. Counsel for the respondent also seeks to place on record a copy of the communication dated 1.12.2017 addressed to the SHO for the action under Section 344(2) of the DMC

Act. Copy of the said communication and the photograph are taken on record. Besides placing the above-said photograph and the communication on record, Id. Counsel for the respondent also seeks to point out that as per the own communication dated 7.11.2017 annexed to the petition as Annexure-P1, the petitioner has been aware of the ongoing unauthorized construction for the last about one year, but, such a notice has come to be issued, only, when, the construction is almost complete.

It appears that four storeyed unauthorized building has come to be erected, and, for such huge unauthorized construction, the property has come to be booked only today. At this stage, Id. Counsel for the respondent-SDMC interjects to say that the said construction might have been raised, having obtained some sanction of building plan. It may be so. The fact, however, remains that as per the copy of the communication addressed to the SHO which is of date i.e. 1.12.2017 only, it, by itself, records for the owner/builder having carried out unauthorized construction, without sanction or in excess of the sanction. Be that as it may, Is it, the respondent-SDMC came to know of such unauthorized action(s) only after the filing of the instant petition? It raises serious doubt(s) not only about the bonafide in filing the instant petition, but, conduct of the officials of the respondent-SDMC, as well. More so, for the reason, if, Id. Counsel for the respondent-SDMC could be furnished a copy of the communication addressed to the police, there is no reason, as to why, he could not be instructed for the actual status, with regard to the nature of booking done, for the alleged deviation(s) and/or the

unauthorized construction. Instant petition seems to be another petition in the series of frivolous petitions filed as a ploy to misuse the process of the Court either by a pawn of the owner/builder or at the instance of some disgruntled official(s) of the respondent-SDMC itself. In view of the fact however, that the unauthorized construction, as per the own case of the respondent-SDMC, is shown to have been carried out and/or being in the process of being carried further, instant petition is disposed off, with a direction to the Commissioner, SDMC as also Commissioner of Police, Delhi, to look into the subject matter for necessary action(s), as expeditiously as possible, preferably, within four weeks from today. Petition and the pending application stand disposed off accordingly.

A. K. CHAWLA, J

DECEMBER 01, 2017

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