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

+ **W.P.(C) 10741/2017**

SHAHIDA BEGUM AND ORS. Petitioners

Through Mr. A.K. Suri and Ms. S. Nizam,
Advocates

versus

STATE OF NCT OF DELHI AND ORS. Respondents

Through Ms. Manika Tripathy and
Mr. Ashutosh Kaushik, Advocates for
GNCTD/R-1
Mr. Ajjay Aroraa, Mr. Kapil Dutta
and Ms. Divya Sharma, Advocates for
EDMC/R-2

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **04.12.2017**

CM APPL. 43999/2017 (Exemption)

Allowed subject to just exceptions.

W.P.(C) 10741/2017 and CM APPLs. 43998/2017 (for stay)

Instant petition has come to be filed alleging unauthorised construction in property bearing no.174, Gali No.3, New Mastafabad, Delhi-110094, in short the 'subject property'.

It emerges from the record that after filing of a suit for injunction by the petitioner, as against the respondent-East Delhi Municipal Corporation, in short 'EDMC' and the other respondents, the respondent-EDMC booked the subject property for the

unauthorised construction and also passed a demolition order. The demolition order has come to be assailed by way of a statutory appeal and a stay order came to be passed on 11.07.2017.

Mr. Aroraa, Id. Standing Counsel for the respondent-EDMC submits that the stay granted is still operative. Id. counsel for the petitioners, on his part, however, strenuously contends that the demolition order has come to be passed only in relation to a portion of the unauthorised construction, the other remaining untouched. Also, according to the Id. Counsel for the petitioner, no challenge is pending before the AT, MCD, in respect of the untouched unauthorised construction. Mr. Aroraa, Id. Standing Counsel for the respondent-EDMC refutes such submissions. Be that as it may, in the event, any portion of the subject property is unauthorised, and, for which, no action has come to be taken, the Commissioner, EDMC is directed to take necessary steps, on a fresh inspection carried out, as expeditiously as possible, preferably within four weeks from today. Should, for the fresh inspection, it be considered that the police aid is required, the Deputy Commissioner of Police concerned is directed to ensure providing the police assistance, as and when called for. Petition as well as pending applications are disposed off accordingly.

Dasti under the signatures of Court Master.

A. K. CHAWLA, J

DECEMBER 04, 2017

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