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

+ **W.P.(C) 523/2018**

SUNIL SHARMA

..... Petitioner

Through: Mr. Mohit Gautam, Mr. Mukul
Gautam, Mr. Rohit Gautam and Mr.
Alok Shukla, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Ajjay Aroraa and
Mr. Kapil Dutta, Advs. for SDMC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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19.01.2018

1. This petition has been filed by the petitioner with the following prayers:

“It is therefore, most respectfully, prayed that this Hon’ble Court may kindly be pleased to:

- 1) Issue an appropriate writ/direction/order thereby directing the respondents to demolish and remove entire illegal constructions and to remove the debris from the roof of the First Floor, A-3, N.D.S.E., Par-II, New Delhi.*
- 2) Pass any other order(s) as this Hon’ble Court may deem fit, in the facts and circumstances of the case, in the interest of justice.”*

2. It is the case of the petitioner, that he is the owner / occupant of First Floor, A-3 South Extension-2, New Delhi. The owner of the second floor

had illegally added some second floor, third floor as well as fourth floor without any sanction. The petitioner had approached the respondent authority on number of occasions and after much efforts on the part of the petitioner, the unauthorised structure was demolished by the respondent authority, but had left the debris and structure on the roof of the petitioner, which may fall and endanger lives of the people living below and passing through the road in front of the property. Mr. Ajjay Aroraa, learned counsel for the respondent, who appears on advance notice states, under the DMC Act the liability to remove the debris is on the owner of the second floor. He states, the respondent shall call upon the owner of the second floor to remove the debris within a time frame and if the owner does not remove the same, the respondent shall remove the same at the cost of the owner. At this stage, learned counsel for the petitioner states, there are some hanging structures, which be directed to be removed forthwith as there is likelihood, the same may fall. He has drawn my attention to pages 38 and 39 of the paper book which are photographs of the demolished property. On seeing the photographs the respondent is directed to remove the hanging debris on the second floor within eight weeks and any cost incurred by the respondent shall be recoverable from the owner of the second floor in terms of the

provisions of the DMC Act on which the reliance was placed by Mr. Ajjay Aroraa. Learned counsel for the petitioner states, the aforesaid shall satisfy the petitioner and the petition be disposed of. Ordered accordingly.

Dasti.

V. KAMESWAR RAO, J

JANUARY 19, 2018/aky