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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2369/2018, CM No. 9934/2018**
AVAKE (ACTION FOR VIGILANCE AND KNOWLEDGE FOR
EMPOWERMENT)

..... Petitioner

Through: Mr. Nikhil Borwankar & Mr.
Roopenshu Pratap Singh, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondent

Through: Mr. Digvijay Rai, Adv. for SDMC
with Mr. Vijay Pal Singh, AE (S) for
SDMC
Mr. Naushad Ahmed Khan, ASC
(Civil) GNCTD for R-2 to 3
Mr.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **14.03.2018**

CM No. 9934/2018

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2369/2018

1. The present petition has been filed with the following prayers:-

“In view of the aforesaid facts and circumstances mentioned herein above, it is most humbly prayed that this Hon’ble Court may be pleased to grant following relief:

a. Issue a writ in the nature of Mandamus directing respondent no. 1 – 3 to take effective steps to stop forthwith the illegal/unauthorised constructions going on at t-point entrance of green avenue colony church/mall road (next to safal shop) after poorna prajna school and at plot no. 8, Shanti Kunj, Main Church road, in Vasant Kunj and to remove/demolish the illegal/unauthorised constructions already undertaken;

b. a writ of prohibition restraining respondents no. 4 and 5 from raising any illegal construction, except in accordance with the building bye-laws;

c. a writ of mandamus directing respondent no. 1-3 to remove/demolish the illegal construction already raised at their respective plots.

d. Any other additional and/or alternative relief which this Honorable Court deems fit and proper in the facts and circumstances of the case may also very kindly be granted.”

2. It is the submission of the learned counsel for the petitioner that earlier a writ petition was filed by Green Avenue Residents Association (Regd.) being W.P.(C) No. 7541/2017, which was disposed of on September 14, 2017 with the following orders:-

“Petition came to be filed for the unauthorized construction raised at T-point entrance of Green Avenue Colony, Church/Mall Road (next to safal shop) after Poorna Prajna School and at plot no.8, Shanti Kunj Main, Church Road in Vasant Kunj, New Delhi. As per the status report filed on behalf of the respondent SDMC, the demolition order has come to be passed and part demolition action taken, besides sealing done on 1.9.2017. In view of the status report filed, nothing survives in the instant petition and the same is disposed off accordingly. Should the petitioner find that any

further cause of action arises, the liberty is reserved to the petitioner to file a fresh petition.”

3. It is his submission, pursuant to the said order, further construction has been made by the respondents 4 and 5. According to him, only a partial demolition has been carried out by the respondent SDMC.

4. Mr. Rai, who appears for SDMC, on advance notice, states that the property is under seal since September 01, 2017. He also, on instructions, states, no further construction has taken place after the disposal of the earlier writ petition being W.P.(C) No.7541/2017 on September 14, 2017. The statement of Mr. Rai is taken on record. If the petitioner is aggrieved by any further action/inaction on the part of the SDMC, liberty is with the petitioner to file a fresh petition in accordance with law. The petition is disposed of.

V. KAMESWAR RAO, J

MARCH 14, 2018/ak