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

+ W.P.(C) 6485/2018, CM Nos.24883-884/2018

AVINASH PAHWA

..... Petitioner

Through: Mr. Sujan K. Singh &
Ms. Versha Chaudhary, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Ms. Saroj Bidawat, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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12.07.2018

Ms. Saroj Bidawat, learned counsel appearing on behalf of the North Delhi Municipal Corporation has handed over in Court today an affidavit of Mr. S.R. Meena, Executive Engineer (BLDG.)-II, Civil Lines Zone, North DMC, Delhi in response to the averments made in the petition.

The action-taken report on behalf of the North Delhi Municipal Corporation is elaborated in paragraphs 4, 5 and 6 of the said affidavit and is reproduced for the sake of facility:

“4. That as per records unauthorized construction in the shape of deviation/excess coverage from online SBP no.10043039 dated 01/11/2017 at basement, stilt, ground floor and first floor with projection on public land has been booked vide field No.02/C-18/B-II/UC/CLZ/2018 dated 04/01/2018. After following due process of law, demolition orders have been passed on 17.01.18 with the

direction to all the owners/occupiers to demolish the unauthorized construction under notice within 6 days. Since the owners have failed to comply with the instructions contained in the demolition order, demolition programmes were fixed on 20.02.2018, 13.03.2018, 26.03.2018 & 05.04.2018, but the action could not be taken due to non availability of Police Force. Another demolition programme was fixed on 02.05.18. During the action railing of projection of Ground Floor demolished, covering of projection including removal of railing/window/chokhat etc. At First Floor & Second Floor were demolished/removed and ongoing construction of one RCC roof panel was cut down at Third Floor. Further demolition programme were fixed on 15.06.18 & 20.06.18, but the action could not be taken due to non availability of police force.

5. That in continuation of previous booking further unauthorized construction in the shape of deviation/excess coverage from SBP ID No.10043039 dt. 01.11.2017 at Third Floor with projection on public land has been booked vide file No.30/C-18/B-II/UC/CLZ/2018 dated 07.05.2018. After following due process of law, demolition orders have been passed on 21.05.18 with the direction to all the owners/occupiers to demolish the unauthorized construction under notice within 6 days. Since the owners have failed to comply with the instructions contained in the demolition order, demolition programmes were fixed on 15.06.18 & 20.06.18, but the action could not be taken due to non availability of Police Force.

6. That on receiving a complaint regarding the ownership of the property in question, proceedings under 338 of the DMC Act have also been initiated and after following due process of law including grant of personal hearing, the sanction bldg. plan of the property in question has been kept in abeyance under the orders of competent authority dt. 28.05.18. Further since the sanction bldg.

plan is ordered to be kept in abeyance, no construction whatsoever is allowed in the property in question & further the property shall not be occupied. The copy of speaking order u/s 338 of the DMC Act is annexed herewith as Annexure 'A'."

In view of the forgoing, the Court is satisfied that the North Delhi Municipal Corporation is discharging its statutory obligations, in accordance with law.

No further directions need to be passed in the present proceedings, save and except, to direct the North Municipal Corporation of Delhi to ensure that no unauthorized construction is permitted in the said property.

The affidavit is taken on record.

The petition is disposed of along with all pending applications.

SIDDHARTH MRIDUL, J

JULY 12, 2018

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