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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 09.08.2018

W.P.(C) 2975/2017

MURAT TYAGI

..... Petitioner

versus

**SOUTH DELHI MUNICIPAL CORPORATION
& ORS**

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Dinesh Kumar, Advocate

For the Respondents :Mr. Ajjay Aroraa and Mr. Kapil Dutta, Advocates for SDMC
Mr. Satpal Sharma, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India
prays as follows:-

“(a) issue an appropriate writ, order and/or direction in the nature of Mandamus and/or any other appropriate writ, order and/or direction in the like nature in favour of the petitioner and against the respondents whereby directing the respondent No.1 to demolish the Construction made by the respondent No.3 at property bearing No.167, Village Chhatarpur, New Delhi in violation of section 332 of DMC Act.

(b) issue an appropriate writ, order and/or direction in the nature of Mandamus and/or any other appropriate writ, order and/or direction in the like nature in favour of the petitioner and against the respondents whereby directing the respondent No.2 to register Case under appropriate sections of law against the respondent No.3 violation of section 332 of DMC Act.

(c) issue any other appropriate writ, order and/or direction in the like nature in favour of the petitioner and against the respondents which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case, to meet the ends of justice.”

2. The petitioner and the respondent No.3 are brothers and a number of proceedings are pending *inter se*, in relation to the property bearing No.167, Village Chhatarpur, New Delhi (hereinafter referred to as ‘subject property’).

3. In terms of the directions issued by this Court on 01.08.2017, the SDMC has filed a status report/action taken report authored by the Executive Engineer (B)-II/South Zone, SDMC on 08.08.2018.

4. A perusal of the said report reflects that, the following demolition action has been taken by the SDMC, in relation to the subject property:

S.No.	Date of Action	Action Taken
1.	25/09/2017	During the course of action RCC Projection/Chajja of Roof slab of Ground floor has been demolished upon availability of police force, Rest of the property was found occupied.
2.	17/11/2017	Action could not be taken/carried out due to property was found locked. Considering the same a lock breaking notice u/s 433 and 435 of DMC Act has been issued vide bearing No.D-2312/EE(B)-II/SZ/2017 dated 21/11/2017
3.	24/01/2018	During the action 01 room has been sealed by affixing seal at Gate at 01 point at Ground floor upon availability of police force.

5. The SDMC has also addressed a communication bearing No.3000/EE(B)-II/SZ/2018 to the concerned SHO, Mehrauli for watch and ward, so as to ensure that, the seals affixed on the subject property are not tampered with, pursuant to the action taken by them on 24.01.2018.

6. Lastly, a perusal of the said status report reflects that, the Vigilance Department of the South Delhi Municipal Corporation vide order dated 21.11.2017, has initiated departmental proceedings against the erring officials, namely, Sh. Ashok Kumar, Executive Engineer; Sh. S.K. Jain, Assistant Engineer and Sh. Karan Singh, Assistant Law Officer, in terms of the directions of this Court dated 01.08.2017.

7. In view of the foregoing, no further directions are called for in the present petition.

8. Even otherwise, proceedings under Article 226 of the Constitution of India cannot be used as a vehicle to arrive at settlement of disputes between private parties, unless there is any demonstrable infraction of a statute.

9. With the above directions, the present petition is disposed of accordingly.

**SIDDHARTH MRIDUL
(JUDGE)**

AUGUST 09, 2018
as