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

+ **W.P.(C) 4416/2017**

AJAY CHOPRA

..... Petitioner

Through: Ms. Nidhi Bindra with Mr. Gagan
Gulia, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI (SOUTH) THROUGH:
ITS COMMISSIONER & ORS**

..... Respondents

Through: Mr. Roshan Lal Goel, Standing
Counsel for-1&2/SDMC
Mr. Rajat Malhotra with Mr. Ilyas
Laway, Advs. for R-3-5.
Mr. Urfee Haider, Adv. for R-6.
ASI Shri Ram, PS Hari Nagar.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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08.01.2018

W.P.(C) 4416/2017

Present petition has been filed by the petitioner with the following prayers:

“In these circumstances, it is humbly prayed that this Hon’ble Court may be pleased to:-

- A. *Issue writ / order / directions in the nature of mandamus to the respondents thereby directing them to demolish illegal / unauthorized portion of the Property Bearing No. C-161, Ground Floor, Near Gandhi Park, Ghanta Ghar, Hari Nagar, New Delhi – 110064, which has been constructed illegally and without proper sanctions.*

- B. *Direct / order respondents to seal the unauthorized / illegally constructed portion of the property bearing No. C-161, Ground Floor, Near Gandhi Park, Ghanta Ghar, Hari Nagar, New Delhi – 110064, pending the writ petition.*
- C. *Pass any other order granting such relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

In terms of order dated August 1, 2017, direction was issued to respondent no.1 to file a fresh status report. Mr. Roshan Lal Goel, learned counsel appearing for respondent nos. 1 and 2 has handed over a copy of the status report in the court today. Same is taken on record. A copy of the same has been handed over to the learned counsel for the petitioner. Paras 5 and 6 of the status report reveals the following:

- “5. *That the property bearing no. C-161, near Gandhi Park, Ghanta Ghar, Hari Nagar, New Delhi has been booked vide file No.EE(B)-I/WZ/UC/2017/218 dated 19.06.2017, copy annexed as R-A in the shape of unauthorized construction of Basement, Ground Floor (consists with seven shops), First Floor, Second Floor & Third Floor and one pakka room and one tin shed at Fourth Floor. It is also submitted that the sealing action against all such unauthorized construction has also been initiated. The show cause notice issued under DMC Act was served upon the petitioner as well as defendants. The sealing action has been initiated against the misuse at Ground Floor and part First Floor.*
6. *That the unauthorized installation of mobile tower at the roof top of the suit property bearing No. C-161, near Gandhi Park, Ghanta Ghar, Hari Nagar, New Delhi was booked during the year 2016 and further sealing action has also been taken and the said tower was sealed on 28.02.2017, copy annexed as R/B."*

Mr. Goel states, in view of the stand of the respondent no.1 and 2 that

sealing action is in process, the said action and further action thereto shall be finalized within 8 weeks from today. The said statement of Mr. Goel is taken on record. Mr. Rajat Malhotra, learned counsel appearing for respondent nos. 3 to 5 states necessary police assistance shall be provided to the respondent Nos. 1 and 2. His statement is taken on record.

Mr. Urfee Haider, Adv., who represents one Ms. Alka Kalra, who is said to be the owner of the property bearing no. C-161, Right Side, Khasra No. 2055-2058, Ghanta Ghar, Hari Nagar, New Delhi submits, action is being taken to seal the basement and first floor of this property because of misuse. Suffice to state, present petition has been filed by the petitioner with regard to unauthorized construction, for which SDMC has taken an action, which has already been noted above. The scope of the writ petition being limited to what has been prayed for and answered to by the SDMC and moreover there is no application for impleadment of Ms. Alka Kalra, the submission so made cannot be considered in this writ petition.

Noting the stand taken by the petitioner and respondent nos.1 to 5, the petition is disposed of.

CM. NO. 19305/2017

In view of the order passed in the writ petition, the application has become infructuous and disposed of as such.

V. KAMESWAR RAO, J

JANUARY 08, 2018/jg