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

+ W.P.(C) 4794/2017

MANDEEP SINGH

..... Petitioner

Through: Mr. Anubhav Panwar, Adv.

versus

THE COMMISSIONER, SOUTH DELHI MUNICIPAL
CORPORATION & ORS

..... Respondents

Through: Mr. Sri Harsha Peechara, Standing
Counsel for SDMC.

Mr. Vaibhav Agnihotri, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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25.04.2018

CM. No. 5056/2018

Mr. Peechara states, in terms of order dated February 27, 2018 the concerned Deputy Commissioner has filed the status report and photographs by way of an affidavit on April 23, 2018. The same is not on record. The same is directed to be placed on record. Mr. Sri Harsha Peechara has handed over to me a copy of the status report as filed in the Registry. Para (ii) to (vii) of the status report filed by the Deputy Commissioner reads as under:

“ii) *That, in compliance with the orders passed by this Hon'ble Court it is submitted that on 08/03/2018 a demolition action was fixed with Police Station Tilak Nagar. Demolition action was taken in the presence of Police Force and during the course of demolition action, three roof panels (including iron bars / reinforcement) each at Ground Floor, First floor and Second Floor were demolished / cut. Photograph of the*

demolished portions is annexed herewith as Annexure – A.

- (iii) That the demolition action was again fixed for dated 19/03/2018 with Police Station Tilak Nagar. Demolition action was taken in the presence of Police Force and during the course of action, some Brick walls (internal / partition) at First Floor & Second Floor were demolished. While executing the demolition action, the Answering Respondent / SDMC faced difficulties due to heavy resistance of Public and existence of Electric Cables / Electric Pole in front of building, therefore, the demolition action could not be continued on that day. Photographs of the demolished portion are annexed herewith as Annexure-B (Colly).*
- (iv) That the demolition action was again fixed for 13/04/2018 with Police Station Tilak Nagar. Demolition action was taken in the presence of Police Force and during the course of demolition action, four roof panels (including iron bars / reinforcement) each at Ground Floor, First Floor, Second Floor & Third Floor were demolished / cut. Photographs of the demolished portion are annexed herewith as Annexure – C (Colly).*
- (v) That keeping in view of the existing Electric Cables / Electric Pole in front of building and also from the safety of the adjoining properties, a sealing programme was fixed for 18.04.2018 with the Police Station Tilak Nagar. During the course of sealing action, the entire building was sealed at two points on the front entrance at Ground Floor. Photographs of the sealing action are annexed herewith as Annexure – D (Colly).*
- (vi) That, on perusal of record as maintained and furnished by the department concerned all major*

actions have already been taken on the suit property like booking of the property, demolition actions on property, sealing of the property and letter for disconnection of Electricity, Water and Sub-Registrar, GNCT of Delhi with the request not to register the property for any sale and purchase.

- (vii) *That in view of the above, it is evident that the Answering Respondent / SDMC has taken affirmative steps in compliance with this Hon'ble Court's order dated 27.02.2018. Due to demolition actions taken by the Answering Respondent / SDMC, the property is question has been rendered inhabitable. Moreover, the Answering Respondent / SDMC has sealed the suit property and taken all the necessary actions thereto, therefore, the suit property cannot be used by the owners of the property. Consequent upon the sealing and other actions on the property, the owners of the property cannot enter into any transaction for any sale and purchase of the property as well."*

In view of the status report and photographs filed including the fact that the property has been sealed and the owners of the property cannot enter into any transaction of any sale and purchase of the property, the application filed by the petitioner for withdrawal of the writ petition is allowed. The petition is dismissed as withdrawn.

Application stands disposed of.

V. KAMESWAR RAO, J

APRIL 25, 2018/jg