

\$~9

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

+ W.P.(C) 11397/2016 & CM No. 44664/2016

MOTI LAL & ANR

..... Petitioners

Through: Mr Akhilesh Singh, Advocate.

versus

THE STATE NCT OF DELHI & ORS

..... Respondents

Through: Ms Mansi Gupta, Advocate for R-1/MCD.

Mr Parvinder Chauhan, Advocate for R-2.

Dr Amit George, Mr Rishabh Dheer, Mr Swaroop George and Ms Rajsree Ajay, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

09.07.2018

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 09.05.2016 and 19.07.2016 passed by the Public Grievance Commission, Government NCT of Delhi (PGC). The petitioner is, essentially, aggrieved by the direction issued by the PGC to the Assistant Engineer, Rohini Zone, North DMC to demolish the unauthorized structure (referring to the structure constructed by the petitioner), and the direction to respondent no.2 (DUSIB) to submit a status report of the cancellation order issued in respect of plot no.D-20/20, D-20/22 and D-20/23.
2. Petitioner no.1 was allotted property bearing no.D-20/23, Shahabad Dairy, Delhi. Petitioner no.2 claims to be residing in the property bearing

D-20/22 and D-20/20, Shahabad Dairy, Delhi.

3. Insofar as the matter relating to demolition of unauthorized structure is concerned, respondent no.1 (North DMC) has filed an affidavit affirming as under:-

“4. That the entire unauthorized construction on common verandah between the four properties. i.e., D-20/20, D-20/22, D-20/21 and D-20/23 Shahabad Dairy, Delhi was completely demolished during demolition action taken on 10.02.2016, 14.05.2016 & 08.09.2016. After considering the Action Taken Report, the PGC case against the respondent/North DMC was closed by the PGC on 13.01.2017.”

4. In view of the above, the relief sought with regard to the direction for demolition of the unauthorised structure, does not survive.

5. Insofar as the steps regarding cancellation of allotment is concerned, Mr Chauhan, learned counsel appearing for the DUSIB points out that by a letter dated 12.07.2016 (which is annexed as Annexure P-5) DUSIB has already cancelled the allotment of plot no.D-20/23, Shahabad Dairy, Delhi.

6. In view of the above, learned counsel for the petitioner seeks to withdraw the present petition with liberty to assail the order dated 12.07.2016 passed by the DUSIB in accordance with law.

7. The petition is dismissed as withdrawn with the aforesaid liberty.

8. All applications stands disposed of and the interim order stands vacated.

VIBHU BAKHRU, J

JULY 09, 2018/MK