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

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W.P.(C) 10051/2017

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Date of decision : 19th February, 2018

UNIVERSAL HUMAN RIGHTS COMMISSION Petitioner

Through : Mr. Ashish Aggarwal, Adv.

versus

COMMISSIONER-MCD AND ORS. Respondents

Through : Mr. Kapil Dutta for
Mr. Ajjay Aroraa, Adv. for R-
MCD
Ms. Prabhsahay Kaur, Adv. for
R-GNCTD
SI Shri Bhagwan from PS Neb
Sarai

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition pertains to an order of demolition dated 15th January, 2016 passed by the South Delhi Municipal Corporation in respect of the property admeasuring approximately 300 yds. adjoining the Yadav Complex, School Road, Khanpur Village, Khanpur, New Delhi within the jurisdiction of PS Neb Sarai, New Delhi in respect of unauthorized construction allegedly raised by respondent no.7/Sh.Ram Singh/Billu Choudhary.

2. This demolition order was issued after the Corporation had issued a notice under Section 344(1) of the Delhi Municipal Corporation Act, 1957 dated 23rd December, 2015.

3. In this background, the writ petitioner sought issuance of a writ of mandamus to the respondents to execute the said demolition order.

4. The South Delhi Municipal Corporation has filed a status report dated 2nd January, 2018 submitting that Sh. Ram Singh the owner/occupier has assailed the action taken and the orders passed by the South Delhi Municipal Corporation by way of appeal bearing no. 1000/2017, *Ram Singh v. SDMC* before the Appellate Tribunal, MCD. It appears that no order of stay was granted by the ATMCD in favour of this builder, against the orders, which order has been assailed by way of an appeal bearing no. CIS-MCD Appeal No.06/2017 before the District & Sessions Judge, Saket, New Delhi and an interim stay has been granted. The last date of hearing in this case, as per the status report, was the 25th January of 2018. The South Delhi Municipal Corporation has expressed inability to execute the order of demolition in view of these legal proceedings.

5. Clearly, further action in the matter has to abide by the outcome of the proceedings initiated by the owner/occupier. The SDMC shall ensure that all steps in accordance with law are taken.

This writ petition is disposed of with the above direction.

6. It shall be open for this writ petitioner to make an appropriate application to bring on record such facts, as are relevant and deemed

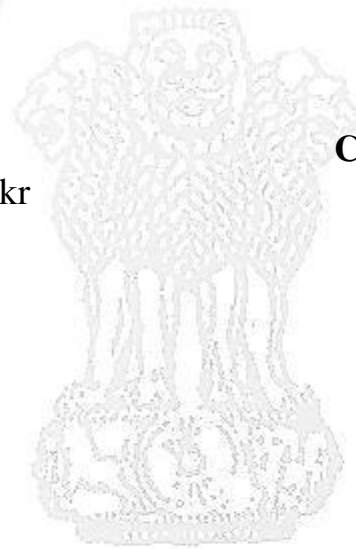
necessary by it, in the pending legal proceedings. As and when such application is filed, orders shall be passed thereon in accordance with law. We make it clear that we have not expressed any opinion on the merits of the case.

Dasti to parties.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

FEBRUARY 19, 2018/kr



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