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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11240/2017, CM Nos. 45951-45952/2017**
SHRI KARAMCHAND

..... Petitioner

Through: Md. Sohail, Adv. and
Mr. Matloob Alam, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Ajjay Arora and Mr. Kapil Dutta,
Adv. for SDMC
Mr. Sumit Batra, Adv. and Mr.
Apoorv Chandra Saxena, Adv. for R2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **03.01.2018**

CM No. 45952/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 11240/2017, CM No. 45951/2017

The present petition has been filed with the following prayers:

“The petitioner, therefore, most respectfully prays that this Hon’ble Court may graciously be pleased to:-

- (a) Issue an appropriate writ, order or direction to the respondent No.1 for dismantling and demolishing all the unauthorised and illegal constructions existing inside and outside the property bearing No.177/C-18, Ward No.2, Mehrauli, New Delhi and / or any other structure / encroachment, and further not to allow any one to raise any type of construction in any manner therein;*
- (b) Issue an appropriate writ, order or direction to the respondent No.3 thereby restraining the respondent No.3*

thereby restraining the respondent No.3 from raising any illegal, unlawful and unauthorised construction at the property bearing No.177/C-18, Ward No.2, Mehrauli, New Delhi and / or any other structure / encroachment, and further not to allow any one to raise any type of construction in any manner.

- (c) *Pass any other relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case in favour of the petitioner and against the respondents."*

Mr. Ajjay Arora, learned counsel for the respondent No.1 appearing on advance copy, states that the alleged construction on the Ground floor and raising of columns for first floor in respect of subject property in question bearing No.177/C-18, Ward No.2, Mehrauli, New Delhi has been booked vide order dated December 07, 2017 for necessary action under Section 343/344 of DMC Act. He states, the demolition order was passed vide order dated December 15, 2017 and the stop work letter under Section 344(2) of DMC Act had already been issued to the concerned SHO vide letter dated December 18, 2017. Letters for disconnection of water and electricity from the subject property have been sent to the concerned authorities and the letter also sent to the Sub-Registrar for not registering the said property under Registration Act, has also been sent vide letter dated December 18, 2017.

According to him, pursuant to demolition order, the respondent No.1

on December 28, 2017 and December 29, 2017 tried to take action but the same could not be materialised due to non availability of police force. The department has now fixed the demolition action for January 19, 2018 which would be taken upon availability of police force. At this stage, learned counsel for the respondent No.3 states they will render full assistance.

In view of the statements made by the learned counsel for the respondent Nos.1 and 3, learned counsel for the petitioner states the petition be disposed of and if he is still aggrieved by the inaction on the part of the respondent Nos.1 and 3, he will file a fresh petition. Taking the statements made by the counsel for the respondent Nos. 1 and 3 on record, the petition is disposed of as such.

CM No. 45951/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

JANUARY 03, 2018/aky