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

+ W.P.(C) 1469/2019

R K SHARMA

..... Petitioner

Through: Mr Aman Leekha, Advocate.

versus

PUBLIC GRIEVANCE COMMISSION (GOVT
OF NCT OF DELHI) & ORS

..... Respondents

Through: Mr Ajjay Aroraa with Mr Kapil
Dutta and Ms Laveena Arora,
Advocates for South MCD

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.02.2019

CM No.6797/2019

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, impugning directions/orders dated 15.11.2017, 07.02.2018 and 11.04.2018 passed by the Public Grievance Commission (PGC), whereby the respondents have been directed to take appropriate action regarding unauthorized construction raised in the property bearing no. B-1/1140 (Duplex) Vasant Kunj, (First and Second Floor), New Delhi.

3. The grievance of the petitioner is that the petitioner has not been heard by PGC before passing of the impugned communications.

4. The averments made in the petition do not indicate that there is any dispute regarding that allegation that unauthorized construction has been raised in the property in question (B-1/1140 (Duplex) Vasant Kunj, First and Second Floor, New Delhi). The documents produced on record also clearly indicate that South Delhi Municipal Corporation (SDMC) has booked the said property on account of unauthorized construction in the shape of deviation against standard plan. It is alleged that the petitioner had extended the room and balcony in the said property.

5. The record also shows that the show cause notice was issued to the petitioner (although the petitioner disputes that he had received the same). Be that as it may, it is apparent that there is unauthorized construction, and therefore, it is necessary that the same be removed.

6. This Court finds no infirmity with the orders passed by the PGC in directing the same.

7. The learned counsel appearing for the petitioner states that proceedings in respect of the actions of the SDMC are pending before MCD, Tribunal. Clearly, in view of the documents on record, which establish that there is unauthorized construction, the pendency of any proceedings would not impede the SDMC to take the necessary action in accordance with law.

8. It is well settled that remedies under Article 226 of the Constitution of India are discretionary. Given the fact that there is no real dispute as to whether an unauthorized construction has been raised, this Court finds no ground to exercise its discretion in this case.

9. The petition is, accordingly, dismissed. The pending applications

also stand disposed of. Needless to state that SDMC shall proceed to demolish any unauthorized construction, unless interdicted by any Tribunal.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 13, 2019/MK