

\$~33

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

+ W.P.(C) 1748/2019

S. M. ZULFIQAR ALAM

..... Petitioner

Through: Ms Nisha Priya Bhatia, Advocate
with petitioner in person.

versus

STATE NCT OF DELHI AND ORS.

..... Respondents

Through: Mr Tushar Sannu with Mr Shivam
Chhalotre, Advocate for R-2/EDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.02.2019**

CM Nos. 8103/2019 & 8104/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 1748/2019

2. Issue notice. The learned counsel appearing for respondent no.2/EDMC accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying that unauthorized construction has been carried out by respondent no.5 at the property bearing no.E-82, Gali No.04, Chand Bagh, Delhi-110094. The learned counsel appearing for the petitioner also submits that the information received pursuant to an application under the Right to Information act, 2005 also reveals that the EDMC has also not sanctioned any construction on the said property. Apart from the above, the petitioner also alleges that he has been defrauded and cheated by respondent no.5. It is also alleged that respondent no.5 has forcibly taken possession of the first and second floor of the said property after receiving the full consideration

for the same.

4. Insofar as the allegations regarding offences committed under the Indian Penal Code, 1860 (IPC) are concerned, this Court is not inclined to examine the same in this petition. It would, of course, be open for the petitioner to avail the appropriate remedies.

5. Insofar as the petitioner's allegation that the construction is being raised unauthorisedly is concerned, this Court considers it apposite to direct the EDMC to immediately inspect the property in question (property bearing no.E-82, Gali No.04, Chand Bagh, Delhi-110094), and if the allegation made by the petitioner that the unauthorized construction is being raised is found to be correct, EDMC shall take all necessary action in accordance with law within a period of four weeks from today.

6. The learned counsel appearing for the EDMC also submits that a Special Task Force (STF) has been constituted by the DDA in compliance with the orders passed by the Supreme Court to examine the matters regarding unauthorised construction. However, he does not dispute that the same does not absolve EDMC from taking action in accordance with law.

7. Since, this Court has directed EDMC to take action in accordance with law, it is not considered necessary to issue notice and await representation on behalf of the other respondents.

8. The petition is disposed of with the aforesaid directions.

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

VIBHU BAKHRU, J

FEBRUARY 20, 2019/MK