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

+ **W.P.(C) 8179/2018**

DEEPTI GUPTA

..... Petitioner

Through: **Mr.Dhruv Gupta, Adv.**

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: **Mr.Mukesh Gupta, Standing Counsel
with Mr.Sanjay Baniwal, Adv. for
R-1 with Mr.D.R. Meena, J.E.
Mr.Kailash Vasdev, Sr. Adv. with
Mr.Sumer Singh Sandhu, Adv. for
R-6.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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17.01.2019

1. Vide the present petition, the petitioner has sought a direction to the respondent nos.1 and 2 to completely remove and demolish the alleged illegal and unauthorised construction on the terrace of building No. A-15/19, Vasant Vihar, New Delhi.
2. A status report has been filed by the respondent no.1 stating therein that the said respondent has taken appropriate demolition action against the illegal construction in question. Learned counsel for the petitioner, however, refutes the said claim and states that the respondent no.1 has carried out only partial demolition.

3. In view of the petitioner's aforesaid grievance, learned counsel for the respondent no.1 on instructions from Mr.D.R. Meena, Junior Engineer, who is present in Court, states that the respondent no.1 is conscious of its statutory duties and will take further demolition action in an expeditious manner as per law.

4. Accordingly, the writ petition is disposed of with a direction to the respondent no.1 to take appropriate action qua the illegal/unauthorised construction on the property in question by following due procedure as per law within a period of four months from today. It is made clear that this Court has not examined the merits of the petitioner's claim that there is unauthorised construction in the property in question and it will be open for the respondent no.1 to determine the nature and extent of the alleged illegal/unauthorised construction by following principles of natural justice.

5. Needless to say that in case the respondent no.1 does not take action as directed hereinabove, it will be open for the petitioner to take legal recourse as permissible under law.

REKHA PALLI, J

JANUARY 17, 2019

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