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

+ W.P.(C) 4960/2017

ANIL KUMAR BHALLA

..... Petitioner

Through Ms.Nidhi Raj Bendra with Ms.Kanav
Gaba, Advs.

versus

MUNICIPAL CORPORATION OF DELHI (SOUTH) AND ORS

..... Respondent

Through Mr.Ajay Digpaul with Ms.Madhuri
Dhingra, Advs for R-1.

Ms.Vaikriti Singh Jadeja with Mr.Vivek, Advs for
R-2.

Mr.Sumit Agarwal, Adv for R-3,4 & 5.

Mr.Haji Mohd. Yameen, Adv for R-6.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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16.01.2019

1. Vide the present petition, the petitioner has sought a direction to the respondent nos.1 & 2 to take demolition and other appropriate actions in accordance with the provisions of Municipal Corporation Act against the illegal/unauthorised construction in property bearing no.11 B, Masjid Lane, Hospital Road, Jangpura, Bhogal.

2. The respondents have from time to time filed status reports clearly stating therein that they have found illegal constructions on the said property. As per the status report, demolition action was proposed on various dates initially on 29.05.2018 on which date the same could not be carried out due to shortage of time, whereafter it

was again proposed for 12.09.2018 on which date also the same could not be carried out due to non-availability of police assistance. As per the latest status report filed on 19.11.2018, the demolition was lastly fixed for 05.12.2018 on which date no action was taken.

3. It thus appears that despite respondents admitting that demolition action has to be taken, no sincere efforts are being made by respondents to remove the unauthorized construction till date. At this stage, Mr.Digpaul assures the Court that the requisite demolition action as per law will be taken up by the respondent no.1 & no.2 in a time bound manner, subject to police assistance being made available.

4. Since a grievance has been raised by Mr. Digpaul that on certain dates, when demolition action was proposed, the same could not be carried out for want of police assistance, the respondent nos.3 to 5 are directed to ensure that the requisite police assistance is made available to the respondent nos.1 & 2 as and when the need so arises in carrying out the demolition action in the aforesaid property.

5. Accordingly, the writ petition is disposed of with a direction to the respondent no.1 & no.2 to take all appropriate actions including the demolition action in accordance with law within a period of 12 weeks.

6. Needless to say, in case, the requisite action is not taken by the respondents within six months, it will be open for the petitioner to take legal recourse as permissible under law.

REKHA PALLI, J

JANUARY 16, 2019

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