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

+ W.P.(C) No.6260/2017

KALLU RAM

..... Petitioner

Through: Ms. Surbhi Jain, Av.

versus

NORTH DELHI MUNICIPAL CORP. & ORS Respondents

Through: Mr. Abhimanyu Walia, Adv. R-1.
Mr. Rajneesh Bhaskar, Mr. Uttam
Kumar, Advs. along with Inspt.
Kuldeep SHO Jama Masjid for R-2.
Mr. Siddharth Joshi, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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25.01.2019

The petitioner is aggrieved by alleged unauthorized construction on the ground floor of property bearing No. 1378, Gali Krishna Wali, Jama Masjid, Delhi. Status report dated 24.07.2018 filed by respondent No. 1/North-DMC encloses therewith order dated 26.06.2018 made under Section 343 of the Delhi Municipal Corporation Act, 1957 which order reads as under:-

“Now, therefore, I, A. K. Malik, Assistant Engineer (B)/ City Zone Delhi in exercise of the powers vested in me under section 343 of the DMC Act, read with section 491 of the DMC Act and the rules made there under and relying upon the City Area Policy and further site visit carried out by me, wherein it has been found that the lowering of the floor of shop has been

brought back to its original position, I am of the view that the construction of loft in the shop at premises No. 1378, Gali Krishna, Jama Masjid, delhi-110006, is legal/authorized and hence, the show cause notice vide file No. 97/79/UC/EE(B)/CZ/2017 dated 31.07.2017 bearing printed No. 51015 is hereby withdrawn.”

As evident from the foregoing order, according to respondent No.1 the construction in question is legal and authorized and the show cause notice issued in respect thereof has been withdrawn by respondent No.1.

Learned counsel for the petitioner is unable to dispute or deny what is stated in the aforesaid order dated 26.06.2018.

In the circumstances, I am of the view that nothing survives in this petition and the same is accordingly disposed of as infructuous.

ANUP JAIRAM BHAMBHANI, J.

JANUARY 25, 2019

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