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

+ W.P.(C) 2787/2019

ANAND TYAGI

..... Petitioner

Through Mr.Pushp Saini and Mr.Ashwani
Tyagi, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondent

Through Mr.Dhanesh Relan, Standing counsel
for SDMC with Ms.Komal Sorout and Ms.Kajri
Gupta, Advs. for R-1
Mr.T.S.Nanda, Adv. for R-2 with SI Hukam
Chand, PS Mehrauli
Mr.G.D.Mishra, Adv. for R-4 and R-10

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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10.02.2020

1. This Writ Petition is filed by the petitioner seeking an appropriate direction in favour of the petitioner against the respondent No.1 to demolish the construction made on land bearing Khasra No.292, Village Chhattarpur, New Delhi. Other connected reliefs are also sought. The case of the petitioner is that the petitioner is the owner of the aforesaid land bearing Khasra No.292 measuring 3 bighas and 4 biswas in the Revenue Estate of Village Chatarpur, Delhi. In the month of February 2019 some persons in collusion and in conspiracy with the concerned SI Police Station Mehrauli started digging the basement and depositing the building material on and around the aforesaid land to construct a building. It is stated that the persons have started illegal and unauthorised construction on the aforesaid land.

Hence, the present Writ Petition.

2. The SDMC has filed two different status reports. In the status report dated 22.5.2019 it is stated that unauthorised construction in the shape of basement and ground floor and raising of columns of first floor were noticed. Show Cause Notice was issued to the builder. The property has been booked for unauthorised construction and for taking necessary demolition action under section 343/344 of the DMC Act on 8.5.2019. Letter has also been sent on 17.5.2019 under section 344(2) of the DMC Act to the SHO Police Station Mehrauli to ensure that unauthorised construction is stopped immediately. Appropriate communications for disconnection of electricity and water supply have also been sent. Other steps are also being taken.

3. Learned counsel for SDMC and learned counsel for respondents No.4 and 10 have pointed out that a third person, namely, Ms.Manisha Chaudhary has initiated an appeal before the ATMCD. The ATMCD has stayed the demolition order.

4. Clearly, the issue of unauthorised construction is pending before ATMCD. As respondents/SDMC have already taken appropriate steps as per law they will continue to deal with the property, as per law.

5. I will also note that the petitioner himself has also filed a Civil Suit for recovery of possession of the property in question. In the Civil Suit an interim order has also been passed by the Civil Court restraining the defendants No.1 and 3 of the said suit from raising any illegal and unauthorised construction in the suit property.

6. In my opinion, the ATMCD and Civil Court are already seized with the matter. No further directions are called for by this Court. The ATMCD

shall continue to deal with the property as per law. With the above directions, the petition stands disposed of. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

FEBRUARY 10, 2020

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