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

+ W.P.(C) 3229/2020 & CM APPLs. 11253/2020, 11254/2020 and 11255/2020

NEW MODEL BASTI AGARSEN NAGAR
WELFARE ASSOCIATION THROUGH
ITS PRESIDENT

.....Petitioner

Through: Mr S.D. Ansari and Ms Sana Ansari
Advocates.

versus

NORTH DELHI MUNICIPAL
CORPORATION & ORS.

..... Respondents

Through: Mr Ajay Arorra, Standing Counsel for
NDMC/R-1.

Ms Jyoti Taneja and Mr Vidur
Kamra, Advocates GNCTD.

Mr B.L. Wali, Advocate for R-4 to R-
7.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **06.08.2020**

The hearing was conducted through video conferencing.

CM APPL. 18124/2020 (By R-4 to R-7 for directions) & W.P.(C) 3229/2020

1. Issue notice.
2. Notice is accepted by the learned counsel for the non-applicants named above.
3. The learned counsel for the applicants/R-4 to 7 are aggrieved because their property has been sealed without issuance of any prior notice to them; in effect, they have been deprived of use of their property without just cause. The applicants seek due hearing from the

Corporation. They undertake to bring the property in conformity with the extant Building Byelaws, if any such deviation is found, after they have been duly heard by the Corporation.

4. In the circumstances, the sealing order shall be kept in abeyance till further orders. The applicants/R-4 to R-7 shall be heard by the Corporation within a period of two weeks from today. The Corporation shall convey its decision, regarding the same in two weeks thereafter and provide the applicants/R-4 to R-7 another two weeks from the date of receipt of such intimation, to rectify the building, if it is so required. It will be open to the applicants/R-4 to R-7 to pursue their remedies as may be available to them in law, should they still be aggrieved by the order of the Corporation. The petitioner too shall be heard by the Corporation simultaneously.
5. The learned counsel for the applicants submits that R-4 to R-7 have a sanctioned Building Plan and that mere renovation has been carried out in an already existing structure. However, the photographs annexed to the petition (Annexure- 'E') show that a new 5-storeyed building has been constructed. Yet this large construction has somehow escaped the attention of the staff of the Building Department of the Corporation. It cannot be construed as an innocent oversight because it could not be passed-off as an oversight on part of the Junior Engineer, but all members who work in the Building Department, on the wad and watch of unauthorised construction in the area. They would have known of the construction at some stage in the past many months. Accordingly, the Deputy Commissioner of Zone concerned shall inquire into the matter and fix the responsibility,

showing as to how the structure came up in the last 10/12 months and whether the local police had intimated the Corporation about the said illegal construction. The affidavit of the Deputy Commissioner shall be filed apropos the action taken by him on or before the next date.

6. The petition, along with pending applications, stands disposed-off in terms of the above.
7. List for compliance on 22.09.2020.
8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 06, 2020/rd