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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P. (C) 3915/2020 & CM No. 14001/2020**

RAKESH AGGARWAL Petitioner
Through Mr. Ravi Bassi, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION
AND ORS. Respondents

Through Mr. Kapil Datta, Advocate for R-1.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
24.07.2020

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Hearing has been conducted through Video Conferencing.

Status Report has been filed on behalf of North Delhi Municipal Corporation.

It is stated in the Report that the Owner/ Occupier of property bearing No. B-2/188, Paschim Vihar, New Delhi-110063 had applied for sanction of Building Plan online for erection of construction, which was sanctioned on 26.04.2018, in the name of Mr. Jaspal Aneja. As per record, the said sanction is valid upto 25.04.2023.

It is also stated in the report that the Owner/ Occupier of property bearing No. B-2/189, Paschim Vihar, New Delhi-110063 had also applied for sanction of Building Plan for the property online, for erection of construction. The same was sanctioned on 05.07.2018 in the name of Mr. Harish Kumar Chauhan and as per record, is valid upto 04.07.2023.

It is stated that unauthorized construction in shape of excess coverage /deviation against the Building Plans sanctioned on 26.04.2018 and 05.07.2018, in respect of properties bearing Nos. B-2/188 and B-2/189, Paschim Vihar, New Delhi, respectively, protection by way of Iron *Jaal* in back lane from stilt floor to third floor was booked on 26.06.2020. Show Cause Notices dated 26.06.2020 under Sections 343 & 344(1) of the Delhi Municipal Corporation Act, 1957 have been issued in respect of properties bearing Nos. B-2/188 and B-2/189, Paschim Vihar, New Delhi to Mr. Jaspal Aneja and Harish Kumar Chauhan, respectively.

Replies dated 07.07.2020 to both the Show-Cause Notices have been received by the Department.

It is further stated that Work-Stop Notices dated 02.07.2020 in respect of both the properties were also sent to S.H.O, P.S. Paschim Vihar for stoppage of the unauthorized construction.

It is also stated in the Status Report that the concerned S.H.O, P.S. Paschim Vihar was duly informed of the Order passed by this Court.

Mr. Kapil Datta, Learned Counsel for Respondent No. 1 submits that pursuant to the Show Cause Notices issued, the Owners/ Occupiers of the concerned properties requested for personal hearing.

Date of 20.07.2020 was fixed for the said purpose and both the owners have assured the Municipal Corporation that within a period of one and a half months from the said date, i.e., 20.07.2020, necessary action of demolition/ rectification and regularisation will be taken, so as to bring the properties in line with the Sanction Plan. The next date of hearing therein is 24.08.2020.

It is directed that if the above mentioned properties are not rectified/demolished to the extent of unauthorized construction in the shape of excess coverage/deviation by 24.08.2020. Respondent No. 1 shall take necessary steps within a week thereafter, to ensure that properties are demolished/ rectified and brought in line with the Sanction Plan.

In view of the above, present Petition is disposed of along with the pending Application. Needless to state that if any fresh cause of action arises or the needful is not done by the Respondents herein, the Petitioner is at liberty to take recourse the remedies available to him in law.

JYOTI SINGH, J

JULY 24, 2020/yo