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

+ W.P.(C) 4363/2020&CM APPL. 15714/2020 (interim directions)

INSPIRATION VANIYA PRIVATE LIMITED Petitioner

Through: Mr. Sunil Dalal and Mr. Deepak
Vohra, Advocates.

versus

NORTH MCD THROUGH: COMMISSIONER & ORS.

..... Respondents

Through: Mr. Ajay Arora, SC for North DMC
with Mr. Kapil Dutta, Advocate.

Mr. Vijay K. Sehgal, Advocate for R-
2 & R-3.

Mr. Sachin Nahar, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **13.08.2020**

The hearing was conducted through video conferencing.

1. An affidavit of compliance of directions, is stated to have been filed by the Deputy Commissioner, North Delhi Municipal Corporation ('NDMC'). However, for the sake of today's hearing it has been shared on the computer screen by the learned counsel for the Corporation. The photographs show that the staircase in the rear side of the building-- property no. 9, Road No.4, Punjabi Bagh East, Delhi, which was illegally constructed, has been demolished, because it was in violation of the rear setback space.
2. The photographs also show that the encroachment on the footpath have been removed, the ground has been levelled and the public path has been restored. The Corporation shall ensure that it is so

maintained. Let the aforesaid affidavit be brought on record.

3. Apropos the other unauthorised construction, proceedings have been initiated and will be taken to its logical conclusion, after hearing the parties. Let the parties be heard by the Corporation within two weeks from today. Its decision shall be communicated to the parties concerned within a week thereafter, giving the builder/occupier(s) of the property two weeks thereafter to requisite rectifications, if any required.
4. The Deputy Commissioner concerned may initiate proceedings against the official(s), if it is found that there has been a deliberate lapse in their duties.
5. The learned counsel for respondent nos. 2 and 3, submits that the staircase existed much earlier in time. It was made from cast iron, however, lately, it was cemented and a fresh one was set up to give structural safety to the building. Therefore, the demolition by the NDMC is illegal. According to counsel the cast iron staircase would always be treated a temporary installation and would be permissible in law. It will be open to the said respondents/parties to pursue their legal remedies and/or seek regularisation of such structures, as may be permissible under extant Building Bye-Laws.
6. The writ petition, alongwith pending application, stands disposed-off in terms of the above.
7. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

AUGUST 13, 2020/AB