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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5060/2020**

KARAMBIR SINGHPetitioner
Through: Mr Ravi Bassi, Advocate.

versus

**NORTH DELHI MUNICIPAL
CORPORATION & ORS.** Respondents
Through: Mr Kapil Dutta, Advocate for
NDMC.
Mr Kaustubh Anshuraj, Advocate for
R-2.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **07.08.2020**

The hearing was conducted through video conferencing.

CM APPL 18272/2020 (Exemption)

1. Allowed, subject to all just exceptions. The applications stand disposed off.

W.P.(C) 5060/2020 & CM APPL 18271/2020 (Interim relief)

2. Issue notice.
3. The learned counsel named above accepts notice on behalf of the respondents.
4. At joint request of the learned counsel for the parties, the petition is taken up for disposal.
5. The petitioner seeks the following reliefs:

“i) Issue a writ of mandamus or any other writ or direction to Respondent no.1 to immediately stop the unauthorized and illegal construction in property of Respondent no.3, bearing no.H.No.91, Near Purani Chowpal, Village

Nilothi, New Delhi-110041;

ii) Issue a writ of mandamus or any other writ or direction to Respondent no.1 to immediately demolish the unauthorized and illegal construction in property of Respondent no.3, bearing no.H.No.91, Near Purani Chowpal, Village Nilothi, New Delhi-110041, including illegal encroachment in the form of the L shape Balcony/Chajja and a door/gate towards the passage and the passage on the front side of the house of Respondent no.3;

iii) Issue a writ of mandamus or any other writ or direction to Respondent no.2 to initiate criminal proceedings against Respondent no.2 for encroaching upon the passage by illegally constructing a balcony/chajja and a door/gate towards the said passage;

iv) Further, issue a writ of mandamus or any other writ or direction to Respondent no.2 to assist Respondent no.1 in the demolition work, which Respondent no.1 may carry, as per law and to take immediate action, as per law, as and when the petitioner shall bring to his notice the illegal acts of Respondent no.3”.

6. The petitioner contends that respondent no.3 had initially made a small unauthorized construction outside his building by encroaching on the public street, lately he has extended the encroachment over more public land.
7. The learned counsel for the respondent Corporation, submits that inspection of the property was carried out yesterday and notice has been issued to the encroacher(s); construction work at the site has been stopped; the concerned SHO of the area has been duly notified so as to ensure that no building material is allowed and no further construction activity resumes at the site. He further submits that the Corporation also shall ensure that no further unauthorized

construction activity is carried out at the site. The Corporation will take immediate remedial and corollary steps so as to restore the width or the public street and rid the public lands of encroachments.

8. In the circumstances, this petition shall be treated as the petitioner's representation to the Corporation, on which appropriate decision shall be taken by the Corporation within three weeks from today, after according due hearing to the parties concerned, in particular the petitioner and respondent no.3. Its decision shall be communicated to the parties concerned within one week thereafter. The respondent no.3 shall be granted three weeks from the date of receipt of communication of the decision by the Corporation, to make necessary rectifications in the building, in accordance with the terms of the Building Byelaws.
9. The petition, along with pending application, stands disposed-off terms of the above.
10. The order be uploaded on the website forthwith.

NAJMI WAZIRI, J

AUGUST 07, 2020/rd