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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5196/2020& CM APPL. 18750/2020 (stay)

SHRI DEEPANSH MALHOTRA

.....Petitioner

Through: Mr Pankaj Gupta, Advocate.

versus

SOUTH DELHI MUNICIPAL
CORPORATION AND ANR.

..... Respondents

Through: Mr Pratap Singh, Advocate for
SDMC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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13.08.2020

The hearing was conducted through video conferencing.

1. Issue notice.
2. Notice is accepted by Mr Pratap Singh, the learned counsel for the respondent-SDMC.
3. At the request of learned counsels for the parties, the petition is taken up for disposal.
4. It is the petitioner's case that he is the owner of the property bearing number 43/43A, admeasuring 140 sq. yds at Road No.43 in the area of Village Madipur, Punjabi Bagh, New Delhi, which was subsequently sold to R-2/Ms. Kalyani India Pvt. Ltd.in an auction.In the petitioner's Securitisation Application No.223 of 2017, a *status quo* order was passed on 06.08.2018. However, despite the said order, the respondent no.2 is stated to have demolished some portions of the aforesaid property and is carrying on construction at the site. The

complaint made by the petitioner to the respondent-Corporation on 23.06.2020, in this regard, has yielded no results. The photographs annexed to the petition show building material lying at the site/on a public street and some construction activity are still going on. The said photographs are reproduced hereunder:



5. The learned counsel for the Corporation submits that: i) no permission has been sought by R-2 for construction of the said building, ii) notice has already been issued to the respondent no.2, iii) construction work at the site has been stopped, iv) the SHO of the concerned area has been informed and has been requested to ensure that no further

construction activity takes place at the site. It is for the Corporation to ensure that *status quo* ought to be maintained i.e. no construction is carried out at the site in violation of Building Byelaws.

6. In view of the above, it is directed that this petition shall be treated as the petitioner's representation by the Corporation. The petitioner and the respondent no.2 shall be heard within two weeks from today by the Corporation and its decision thereon shall be communicated to the parties in a week thereafter. If the parties are aggrieved by the said decision of the Corporation, it will be open to them to pursue their legal remedies.
7. The petition, along with pending application, stands disposed-off in terms of the above.
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 13, 2020/rd