

\$~6

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 5360/2020 & CM APPL. 19310/2020 (stay)

SUSHIL KUMAR

.....Petitioner

Through: Mr Vinay Garg, Advocate.

versus

**SOUTH DELHI MUNICIPAL
CORPORATION & ORS.**

..... Respondents

Through: Mr Gautam Narayan, ASC with Mr
Vikrant N. Goyal, Advocate for
SDMC.
Ms Mrinalini Sen, Advocate for
DDA.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

18.08.2020

The hearing was conducted through video conferencing.

1. Issue notice.
2. Notice is accepted by learned counsels named above for the respondents.
3. At joint request of learned counsel for the parties, the petition is taken up for disposal.
4. The petitioner seeks following relief(s) in this petition:

“(A) Issue a writ of mandamus or any other appropriate writ(s) or order(s) or direction(s) to the Respondents No.1 to 4 to take immediate action to forthwith stop any further unauthorised construction going on at the Plot of land bearing No. 6, Khasra No. 365, Sultanpur, New Delhi-110030 measuring around 700 sq. yds. and demolish any structure/building found constructed upon the said land;

(B) Issue a writ of mandamus to the respondent No.1 to 4 to

initiate enquiry and investigation fixing the responsibility of the officials who allowed the unauthorized and illegal construction over the land in question despite various complaints in this regard.

(C)To take lawful actions on the complaints dated 07/07/2020, 08/07/2020, 15/07/2020 and 05/08/2020 submitted by the petitioner and to initiate all legal steps towards their: lawful and logical conclusion...”

5. The petitioner is aggrieved by the inaction of the Corporation apropos unauthorized construction on land in Khasra No. 365, Sultanpur, New Delhi-110030 admeasuring 700 sq. yards, where construction of approximately many flats, etc is underway. Photographs annexed to the petition are as under:



6. The petitioner, lives in the immediate neighbourhood. He apprehends that the large scale construction is likely affect the number of visitors in the neighbourhood thereby putting a strain on the extant civic infrastructure and basic amenities.

7. It is rather odd that the Corporation has failed to notice the aforesaid large-scale construction which was going on for quite some time.
8. The Learned counsel for the Corporation states that further construction activity has been stopped and it shall be so ensured till the next date. The SHO of the area has been intimated and requested to ensure that *status quo* be maintained i.e. no further construction activity should be carried out at the said site. Furthermore, demolition action has been planned by the Corporation for 25.08.2020. Compliance affidavits be filed in ten weeks, failing which the case shall be posted for compliance in the eleventh week.
9. In the circumstances, the area Deputy Commissioner of Police, and the Deputy Commissioner of the Corporation shall look into the matter of lapses/deliberate inaction by its official(s) and initiate appropriate action, if any lack of vigilance or diligence is found.
10. The petition, along with pending application, stands disposed-off in terms of the above.
11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 18, 2020/rd