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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5714/2020

AISH MOHAMMAD

.....Petitioner

Through: Mr Neel Gulia, Mr Rakesh Vatsa and
Mr Jeetin Jhala, Advocates.

versus

SOUTH DELHI MUNICIPAL
CORPORATION & ORS.

..... Respondents

Through: Mr Ajay Digpaul, Standing Counsel
for SDMC/R-1 with Mr Kamal R.
Digpaul, Advocate.
Mr Anand V. Khatri, Advocate for R-
2/SHO.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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27.08.2020

The hearing was conducted through video conferencing.

1. The petitioner claims to be the owner of 120 sq. yards of the land in a property bearing no. 44/45 part of Khasra No..267/13 Laxman Dairy, Tauba Colony, Zakir Nagar, Okhla New Delhi. He contends that unauthorised construction is being carried out on the said land. Photographs of the same have been annexed to the petition.
2. *Ex facie*, the construction activity is such of such a scale, that it could not have escaped the attention of the authorities concerned, in particular the Municipal Corporation and the local police. The petitioner had complained to the authorities on 08.09.2019, but the same has not elicited any response.
3. Let the matter be looked into by the Deputy Commissioner of the

Municipal Corporation, as well as by the Deputy Commissioner of Police concerned. Respective affidavits be filed with their approval apropos whether the response of the authorities to the unauthorised construction and to the letter of the petitioner was appropriate.

4. The learned Standing Counsel for the Corporation submits that in the interim, the site has been inspected, the construction activity has been stopped and the police has been intimated about the same and also been requested to provide assistance to the Corporation. He further submits that notices under the DMC Act have been issued to the occupier/builder and the same will be taken to its logical conclusion. The demolition action is scheduled for 31.08.2020. The learned counsel for the R-2/SHO states that due assistance shall be provided to the Corporation as and when so requested.
5. The construction material, if any lying on the road, will be removed by the Corporation within 48 hours. Compliance affidavits, along with photographs, be filed in two weeks, failing which the case shall be listed for direction after three weeks.
6. Since the authorities have prompted into action, no further orders are required to be passed in this petition at this stage.
7. The petition is 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 27, 2020/rd