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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6366/2020**

SHRI ARUN GUPTA

.....Petitioner

Through: Mr S.K. Bhaduri and Mr Prem
Prakash, Advocates.

versus

**SOUTH DELHI MUNICIPAL
CORPORATION & ORS.**

..... Respondents

Through: Mr Tushar Sannu, Standing Counsel
for South DMC/R-1 with Ms Ankita
Bhadouriya, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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14.09.2020

The hearing was conducted through video conferencing.

CM APPL. 25545/2020 (Exemption)

1. Allowed subject to all just exceptions. The application stands disposed-off.

W.P.(C) 6366/2020 & CM APPL. 25546/2020 (stay)

2. Issue notice.
3. Notice is accepted by the learned counsel for the respondents named-above.
4. At the request of the learned counsels for the parties, the petition is taken up for disposal.
5. The petitioner seeks the following reliefs:

“(i) Issue an appropriate writ, order or direction thereby directing the Respondent No.1 to regularize Basement and Ground floor of property in a time bound manner being Property No.40/113, E.P.D.P Colony, C. R. Park, New Delhi - 110019 and demolish unauthorized construction raised on 1

st, 2nd and 3rd floor of the aforesaid property and if necessary by demolishing the extended balcony in respect of the 1st, 2nd and 3rd floor portion of the said property;

(ii) Issue an appropriate writ, order or direction thereby directing the Respondent Nos. 2 & 3 or through any duly authorized person to get the sale certificate registered in the office of the Sub-Registrar in respect of Basement and Ground floor of property No. 40/113, E.P.D.P Colony, C.R. Park, New Delhi - 110019, in the name of the petitioner in a time bound manner and get the red seal of the Sub-Registrar deleted in the sale deed which the respondent no. 2 & 3 had given to the petitioner in time bound manner. The respondent no. 1 be also directed to remove the said property in the website of the respondent no. 1, so far as its relates to unauthorized construction is concerned, in the interest of justice..."

6. The petitioner has purchased the basement and ground floor of the aforesaid property in an auction conducted by Andhra Bank/R-2. The Registrar, GNCTD refused to register the property in terms of the transfer documents because some portion of the building is unauthorized. The petitioner has pursued to the matter with the Corporation to remove the portion which is unauthorized. The Corporation is yet to respond.
7. In the circumstances, this petition shall be treated as the petitioner's representation to the Corporation, on which appropriate decision/action shall be taken by it, after hearing the petitioner. The decision of the Corporation so taken shall be communicated to the petitioner within four weeks from today. The petitioner shall take remedial measures as may be communicated by the Corporation.
8. The petition, alongwith pending application, stands disposed-off in above terms.

9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

SEPTEMBER 14, 2020/*rd*