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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 6574/2020, CM APPL. 22983/2020 & CM APPL. 22984/2020

RUKMA

..... Petitioner

Through: Ms. Maldeep Sidhu and Mr. Ashok Kumar Sharma, Advocates.

versus

THE MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondents

Through: Mr. Murari Kumar, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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17.09.2020

The hearing was conducted through video conferencing.

1. The illegal construction initiated by R-3 at plot No. B-184, Pul Prahladpur, New Delhi - 110044, was stopped by the DMC in January 2020. However, further construction has been carried out blatantly and the ground, 1st, 2nd and 3rd floors have almost been completed. Photographs of the aforesaid construction are as under:





2. Surely, this must have taken months to come up. What was the Municipal Corporation doing all along, remains a mystery. Whether the Corporation was intimidated by the local police, is also unknown.
3. The learned counsel for the MCD submits that the petitioner's complaint was received through the SDM concerned on 26.08.2020.
4. Be that as it may, the petitioner had posted letters to the SDM concerned, the SDMC and to the SHO of the area, on 19.08.2020. Even otherwise, the authorities would surely have known through its watch and ward staff or the Corporation's Junior Engineer, about the illegal construction and/or large movement of building material, prior to the aforesaid communication, especially when there was earlier a stay of construction activity at the site. Yet the huge construction was allowed to take place without any let or hindrance. Therefore, let the Corporations Deputy Commissioner concerned and the DCP look into the matter, and ascertain how the construction came about, despite earlier action being stated to have been taken by the Corporation in January 2020.
5. The learned counsel for the Corporation submits that the property was booked on 11.09.2020. Demolition action was planned for 16.09.2020 and the sealing process is underway. The petitioner shall be kept informed of all actions taken in the matter.
6. Be that as it may and as noted hereinabove, the inaction of the Corporation is required to be looked into. In the circumstances, let affidavits be filed by the Corporation with the prior approval of the Deputy Commissioner of the area concerned. An affidavit shall be by the police as well, with prior approval of the DCP of the area concerned.

They shall identify officials who either ignored the illegal construction or otherwise failed in their duty, as may be, and state what remedial measures have been put in place. The affidavits, alongwith photographs of the action taken, shall be filed within a month. List the case for compliance affidavits on 3.11.2020.

7. Should the petitioner be aggrieved by any action or inaction of the authorities, she will have liberty to approach the Court.
8. The writ petition, along with pending applications, is disposed-off in terms of the above.
9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail.

NAJMI WAZIRI, J

SEPTEMBER 17, 2020

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