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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9603/2019 & CM APPL. 39543/2019

MD. YAMEEN

..... Petitioner

Through Mr.Kamlesh Kr.Mishra, Adv.

versus

NORTH DELHI MUNICIPAL
CORPORATION AND ORS.

..... Respondents

Through

Mr.Mukesh Gupta, Standing Counsel
with Mr.Mayank Ahuja, Advocate for
R-1/North DMC.

Mr.Sanjeev Ralli and Mr.Atul Verma,
Advs. for R-4/DPCC.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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17.01.2020

This writ petition is filed by the petitioner seeking a direction to respondent No.1/North DMC to inspect the plot bearing House No.1230, Gali Mahal Sarai, Punjabi Phatak, Chandni Chowk, Delhi.

In the writ petition, it is stated that respondents No.1 to 5 have failed to discharge their duties with respect to illegal/unauthorised construction done on the 5th and 6th floor of the said property. The petitioner seems to reside in house No.1224, Gali Mahal Sarai, Punjabi Phatak, Chandni Chowk, Delhi. It is further stated that the kitchen on the ground floor was given on rent which is being used as commercial purposes for generating lots of waste materials. Similarly, it is pleaded that the first floor was also given on rent by the owner for commercial purposes. It is further stated that owner of the property started construction on the 5th and 6th floor without

taking permission of the concerned authority.

Respondent No.1/North DMC has filed a status. As per the status report, the entire first, second and third floor of the property was booked under sections 343 and 344 of the DMC. A demolition order was passed on 04.08.2015 directing the owner to demolish the aforesaid illegal/unauthorised construction. Demolition action could not be taken due to shortage of time.

The property was inspected on 09.01.2020. It was noticed that the property in question comprises of ground floor, mezzanine floor, first floor, second floor and third floor only and there is no ongoing construction.

Learned counsel for respondent No.1/North DMC states that there is no 5th and 6th floor existing as is being claimed. In fact, photographs of the building have been placed on record to show various floors.

Respondent No.1/North DMC shall continue to deal with the said property as per law. Nothing further survives in the present writ petition. The petition is disposed of. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

JANUARY 17, 2020/v