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

+ W.P.(C) 2861/2018 & CM APPL. No.11572/2018

SURENDER KUMAR Petitioner

Through Ms.Pooja Sharma, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondent

Through Mr.Tushar, Standing counsel for
South MCD

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **22.01.2020**

1. This Writ Petition is filed by the petitioner seeking a direction of demolition of unauthorisedly constructed building structure at property No.323/A-1, Block-D, near Rehmat Masjid, Sangam Vihar, New Delhi. The case of the petitioner is that the petitioner is a permanent resident of Sangam Vihar, New Delhi and is residing with his family. The petitioner is also said to be the owner of the said plot in question by virtue of documents like Power of Attorney and Agreement to Sell.

2. SDMC has filed a Status Report. In the Status Report it is stated that against the said property demolition order and sealing orders have been passed and a letter has also been sent on 3.10.2018 to the concerned SHO with the request that the unauthorised construction be stopped by the police. Letter has also been sent on 23.10.2018 to BSES and Delhi Jal Board for disconnection of electricity and water supply. Demolition action was taken on 29.5.2018 and three number of RCC roof slabs were demolished/cut

down with the help of gas cutter at First Floor.

3. Learned counsel for the petitioner, however, pleads that the private respondents have reconstructed the said property. Learned counsel for respondents No.2 and 3 denies the said contention and states that there is a civil dispute between the parties regarding claim of the petitioner for title, though no civil proceedings are pending. Hence, it is pleaded that the present petition is a motivated petition. Learned counsel for the petitioner, however, states that in this writ petition there is no prayer seeking any relief for declaration of title of the petitioner.

4. The facts on record show that SDMC is taking steps against the unauthorised construction. Let SDMC continue to deal with the property in question as per law. Needful be done expeditiously.

5. With the above directions, the present petition stands disposed of.

JAYANT NATH, J

JANUARY 22, 2020

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