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

+ W.P.(C) 2873/2017

KAVITA GROVER Petitioner

Through Mr.Francis Paul, Adv.

versus

SOUTH DELHI MUNICIPAL

CORPORATION & ORS.

..... Respondents

Through Mr.Ashish Tanwar, Adv. for R-1/
SDMC.

Mr.Anil Puri, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **14.01.2020**

This writ petition is filed by the petitioner seeking a writ of mandamus directing respondent No.1/SDMC to demolish the first floor/second floor (duplex)/third floor alongwith roof of the third floor of property bearing No.L-48-C, DDA Janta Flats, Saket, New Delhi- 110017. Further directions are also sought by the petitioner.

Respondent No.1/SDMC has filed a status report. It has been pointed out in the status report that the property of the petitioner bearing No.L-48-D, DDA Janta Flats, Saket, New Delhi- 110017 was also inspected on 05.04.2019. This inspection reveals that the said property of the petitioner stands booked for unauthorised construction in the shape of deviations/excess coverage against the standard building plan of DDA. Following due process, necessary demolition orders were also passed by the competent authority on 03.03.2006. Demolition action was taken on 04.05.2016.

It is also stated in the status report that a civil suit has been filed by

respondent No.2 against the petitioner, which is pending in the District Court where a counter affidavit has also been filed by respondent No.1/SDMC. As per the said counter affidavit, the property of respondent No.2 was booked for unauthorised construction in the shape of deviation of the building plan of DDA. Demolition orders were also passed by the competent authority on different dates.

Respondent No.2 has thereafter filed an appeal before the learned ATMCD. The learned ATMCD has on 11.08.2017 granted *status quo* order. The matter is still pending before the learned ATMCD. As the ATMCD is seized of the matter, nothing further survives in the present petition.

The above fact shows that respondent No.1/SDMC has taken appropriate steps as per law against the said unauthorised construction being carried out by respondent No.2. Similarly, respondent No.2 filed appropriate proceedings before the ATMCD who is seized of the matter.

I may also note that the petitioner herself is guilty of unauthorised construction i.e. taking steps of the same nature which she accuses respondent No.2 of. On this ground itself I am not inclined to further deal with this petition.

The petition is disposed of. All pending applications, if any, are also disposed of.

Respondent No.1/SDMC will continue to take steps regarding the properties of the petitioner and respondent No.2 as per law.

JAYANT NATH, J.

JANUARY 14, 2020/v