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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + W.P.(C) 13633/2018
 AJAY MITTAL AND ORS. Petitioners
 versus
 NORTH DELHI MUNICIPAL CORPORATION.... Respondent
 + CM APPL. No.53190/2018 in W.P.(C) 13647/2018
 AJAY MITTAL AND ORS. Petitioners
 versus
 NORTH DELHI MUNICIPAL CORPORATION Respondent
 + W.P.(C) 13810/2018
 SAVITA JAIN Petitioner
 versus
 NORTH DELHI MUNICIPAL CORPORATIONRespondent
 + W.P.(C) 13834/2018
 GAURAV JAIN Petitioner
 versus
 NORTH DELHI MUNICIPAL CORPORATIONRespondent
 + W.P.(C) 13865/2018
 DEEPTI JAIN Petitioner
 versus
 NORTH DELHI MUNICIPAL CORPORATIONRespondent
 + W.P.(C) 13868/2018
 SUKUN JAIN Petitioner
 versus
 NORTH DELHI MUNICIPAL CORPORATIONRespondent
 + W.P.(C) 13945/2018
 ALKA KHATTAR Petitioner
 versus
 NORTH DELHI MUNICIPAL CORPORATION Respondent

Present: Mr.Gaurav Singh, Adv. for petitioner (item Nos.25 & 27).
 Mr.Gaurav Singh, Proxy Counsel for petitioner (item Nos.24 & 26).
 Ms.Puja Kalra, Standing Counsel with Mr.Virendra Singh, Adv. for North DMC (item Nos.22-23).
 Ms.Namrata Mukim, Standing Counsel with Mr.Hreeshika

Signature Not Verified

Signing Date:21.10.2024 16:49:41
 Certify that the digital and physical file have been compared and the digital data is as per the physical file and no page is missing.

Bharagava, Adv. for North DMC (item No.24).
Mr.Abhinav S.Aggarwal, Addl.Standing Counsel with
Mr.Saurabh Sharma, Adv. for North DMC (item No.28).
Mr.Ajjay Aroraa and Mr.Kapil Dutta, Advs. for North DMC
(item Nos.25, 26 & 27).

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **13.02.2020**

W.P.(C) Nos.13633, 13647, 13810, 13834, 13865, 13868 & 13945/2018

1. This writ petition is filed by the petitioner seeking to impugn the order of the District Judge dated 24.11.2018 whereby the appeal filed by the petitioners was dismissed. The case of the petitioners is that the respondent issued a demolition notice under Section 348 of the DMC, Act against property bearing No. 2911-22, Bara Tooti Chowk B.G.Road, Sadar Bazar, Delhi on 09.12.2011. Thereafter, the petitioners' predecessor-in-interest commenced repairs upon the property in dispute in lieu of the aforementioned notice and completed the same. On 13.01.2012 a show cause notice was issued with respect to the 4th Floor of the property based on an inspection carried out by the J E. It is claimed that in March, 2012 a communication was also received from the Government, of installation of lift in the property. Another show cause notice was issued under Section 343/344(1) of the DMC, Act on 04.04.2013, with respect to the entire property including the 4th floor. On 10.04.2013, respondents passed a demolition order in respect of the property. Different litigations have gone on.

2. On 05.02.2014, Deputy Commissioner passed an impugned sealing order. An appeal filed before the Appellate Tribunal /MCD, Delhi was dismissed on 19.09.2017. Further, an appeal was filed before the District Judge in 2017 and the same was dismissed on 24.11.2018. Perusal of the impugned order of the Ld. District Judge shows that a finding is confirmed of large scale unauthorized construction.

3. The property in question is lying sealed. Ld. Counsel for the Petitioner submits that the property has been sealed for a considerable amount of time and they are willing to take all steps to have the same de-sealed. Let the property be de-sealed on 24.02.2020. The petitioner will take all requisite steps to ensure that the unauthorized construction is demolished/rectified within three months from that date.

4. It is made clear that no one will use the property in question for any commercial or residential purpose pursuant to the de-sealing being done by the respondent pursuant to this order. In case there is any contravention of this direction of the Court, the respondent /NDMC is free to reseal the property forthwith.

5. On expiry of three months with effect from 24.02.2020, the NDMC will carry out a fresh inspection of the property to determine as to whether the unauthorized constructions have been demolished/rectified. In case, any unauthorized constructions/rectifications have not been completed, the details thereof shall be mentioned to the petitioners. The petitioners will be given another one month's time to carry out any further demolition or rectification that may be required pursuant to the inspection report. On expiry of 4 months, the respondent will take steps as per law including resealing the property forthwith, if so required.

6. The Petition stands disposed of.
7. Copy of the order be given Dasti under signature of Court Master.

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JAYANT NATH, J.

FEBRUARY 13, 2020/hk/st

→ first cm - 8145/20 - Right
of antismoke evidence
in order of 13.2.20

→ Petition disposed of
13.2.20

\$~A-28

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 13834/2018

GAURAV JAIN Petitioner

Through Mr.Gaurav Singh, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION..... Respondent

Through Mr.Akshay Verma, ASC

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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02.03.2020

CM APPL. 8195/2020

This application is filed seeking to rectify the order dated 13.2.2020. It is stated that in paragraph 1 of the order the writ property is stated as 2911-12, Bara Tooti Chowk, B.G.Road, Sadar Bazar, Delhi. It is pleaded that the actual address is 2919-22, Bara Tooti,. Bahadurgarh Road, Sadar Bazaar, Delhi. The order dated 13.2.2020 accordingly stands corrected.

Application stands disposed of.

wnh

JAYANT NATH, J

MARCH 02, 2020

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