

\$~22

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

%

Judgment delivered on: 03.05.2021

+ W.P.(C) 5108/2021 & CM APPL.15654/2021

SATISH KUMAR

..... Petitioner

versus

COMMISSIONER, SOUTH DELHI MUNICIPAL CORPORATION
AND OTHERS

.....Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. M.S.Bammi with Mr. Arjun Goel, Advocates.
For the Respondent: Mr. Sanjeev Sabharwal, Standing Counsel,
SDMC/R-1 & 2.
Mr. Kushagra Pandey, Panel Counsel (Civil),
GNCTD, R-3/SHO, P.S.Hari Nagar.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to respondent Corporation as well as the SHO, Police Station Hari Nagar to stop respondent No.4 from continuing with the illegal and unauthorised construction in property bearing No.WZ-VB-137, Gali No.6, Virender Nagar, New Delhi. Further direction is sought to respondent Nos.1 & 2 to demolish the unauthorised construction and respondent No.3 to provide assistance in demolition of the construction.

Signature Not Verified

Digitally Signed By: KUNAL
MAGGU
Signing Date: 04.05.2021 09:44:48
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

W.P(C) 5108/2021

Page 1

3. Learned counsel appearing for respondent Nos.1 & 2 – Corporation vehemently opposes the issuance of notice. He submits that the petition has been filed without verifying true facts and by making false allegations. He submits that construction plan has been sanctioned under the saral scheme.

4. It is submitted that in the present time of pandemic subject petition has been filed alleging illegal unauthorised construction and the officers of the respondent Corporation have had to verify the factual matrix of the matter.

5. He submits that since there is a sanctioned plan, no action can be taken against the subject property at this stage. It is only after completion of the construction, when completion certificate is applied that the Corporation officers are obliged to inspect the property and to verify the construction, unless illegal unauthorised construction is apparent on the face of it.

6. Learned counsel submits that on inspection of the property there was no illegal unauthorised construction apparent on the face of it. He submits that action in accordance with law would be taken at the appropriate stage, if required.

7. The statement is taken on record.

8. In view of the fact that subject petition has been filed without verification of correct facts and by alleging that there is no sanction plan, when there is one, I deem it expedient to dismiss the petition by

imposing cost of Rs.5000/- on the petitioner.

9. The petition is accordingly dismissed, with costs of Rs. 5,000/-.

10. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

MAY 03, 2021/rk

