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

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Judgment delivered on: 17.01.2022

+ W.P.(C) 10125/2021 & CM. APPL. 31236/2021

SULEKH MALIK

..... Petitioner

Through

versus

SOUTH DELHI MUNICIPAL CORPORATION THROUGH

DEPUTY COMMISSIONER & ANR.

..... Respondent

Through

Advocates who appeared in this case:

For the Petitioner: Mr. Sunil Chauhan and Ms. Vatsala Chauhan, Advocate.

For the Respondent: Mr. Tushar Sannu and Ms. Priyanka Tiwary, Advocates for the Corporation.

Mr. Fayaz Hasan and Mr. Tabrez Ahmad, Advocates for R-2.

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 respondents to stop the illegal unauthorized construction activity being carried out in House No.12, measuring 200 square yards in Khasra No.52, situated in the revenue



estate of village-Kishan Garh, Mehrauli, Delhi, now known as Bhawani Kunj, D-2, Vasant Kunj, New Delhi.,

3. Learned counsel for the petitioner submits that on account of digging of the basement, the structural integrity of the property of the petitioner has been affected.

4. Learned counsel appearing for the Corporation submits that there is no sanctioned building plan for raising the construction. He submits that in terms of the order dated 14.09.2021, property of the petitioner was inspected and respondent No.2 was directed to raise a wall in the basement to ensure that there is no damage to the property of the petitioner and structural integrity thereof is maintained.

5. Learned counsel appearing for respondent No.2 undertakes on behalf of respondent No.2 that no unauthorized construction activity shall be carried out in the subject property and no construction shall be carried out until and unless a building plan is sanctioned by the Municipal Corporation. He further submits that respondent No.2 shall build a wall as directed by the officers of the Corporation to ensure that structural integrity of the property of the petitioner is protected.

6. The undertaking is accepted.

7. In view of the above, this petition is disposed with following directions:-



- (i) Respondent/Corporation shall ensure that no unauthorized construction activity is carried out in the subject property except in accordance with a sanctioned building plan.
- (ii) Respondent No.2 shall ensure that the wall as directed by the officers of the Corporation is built and the earth that has moved from underneath the property of the petitioner is re-filled so that the structural integrity of the property is preserved.
- (iii) No construction shall be raised on the subject property by respondent No.2 until and unless a building plan is sanctioned by the Corporation.

8. Learned counsel for the petitioner submits that in view of the above directions and disposal of the petition, he shall not be pressing the contempt application that has already been filed but not listed.

9. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through e-mail by the Court Master.

SANJEEV SACHDEVA, J

JANUARY 17, 2022
NA