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

+ **W.P.(C) 1443/2023, CM APPL. 5408/2023**

SHRI RANPAT

.....Petitioner

Through: Ms. Arushi Mehra, Adv.

versus

**GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF
DELHI & ORS.**

.....Respondent

Through: Mr. Karn Bhardwaj, ASC with Mr.
Shubham Singh, Advs.

Mr. Sushil Ahlawat, Adv for R-4.

Mr. Parvesh Vats, Adv for R-5.

Ms. Ankita Bhadoriya, Mr. Hardik
Saxena, Mr. Manoviraj Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

09.09.2024

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1. The petitioner in the instant writ petition has prayed for the following reliefs:-

“a) issuing a writ of mandamus / order / direction directing Respondent No. 2, to take action against unauthorized and illegal construction on the property No. 23, Village Bindapur, Delhi without obtaining any sanctioned building plan;

b) issuing a writ of mandamus / order / direction to Respondent No. 3 against Respondent Nos. 4 and 5 for allowing the running of polluting factories in property No. 23, Village Bindapur, Delhi.

c) The costs of the petition may be allowed in favour of your Petitioner and against the Respondents.



d) Any other relief deemed fit and proper may be allowed in favour of your Petitioner and against the Respondents on terms and conditions deemed fit and in the facts and circumstances of the case.”

2. The respondent-Corporation has placed on record its status report.

Paragraph nos.2 and 3 of the said report reads as under:-

“2. It is submitted that during inspecting of the subject property, no polluting substance/ shop/ factory of trades wherein acid, iron rods manufacturing and buffing etc. are used/ involved were found.

3. That as regard issue regarding unauthorized construction at the aforesaid property is concerned, as per the record maintained by Building Department and made available to the undersigned in this regard It is submitted that subject property already stands booked for unauthorized construction under Section 343 & 344 of the Delhi Municipal Corporation Act, 1957 in the shape of seven shops & temporary shed at Ground Floor and one room, one bath, one WC and two baths, WC at First Floor vide File No. BIUC/WZ/2002/442 dated 01.11.2002. However, since the existing construction is old and prior to year 2006, the same is protected under the National Capital Territory of Delhi Laws (Special Provisions) Act, from further punitive action till enforcement of the said Act. It is pertinent to mention herein that at present, no construction activity at aforesaid property is found at site.”

3. As per the stand taken by the respondent-Corporation, it appears that the respondent-Corporation has already booked the property which has been found to be unauthorisedly constructed. With respect to a part of the construction, it is further stated that the property in question is prior to the year 2006 and therefore, the same is protected under the National Capital Territory of Delhi Laws (Special Provisions) Act.

4. The respondent-Corporation is directed to carry out further necessary action in accordance with law with respect to property which has been found to be unauthorisedly constructed. If the petitioner has any further grievance with the stand taken by the respondent-Corporation with respect to the remaining part of the construction or with respect to the inaction, the



petitioner shall be at liberty to approach the Special Task Force constituted by the Delhi Development Authority *vide* notification dated 08.03.2019.

5. The private respondents shall also be at liberty to agitate their grievance before the appropriate authority. Their rights and contentions are left open.

6. Accordingly, the petition stands disposed of alongwith all pending applications.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 9, 2024/KG