



\$~28

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

+ **W.P.(C) 3137/2024**

NAMITA & ANR.

.....Petitioners

Through: **Mr. Gaurav Kumar Singh and Mr.
Romit Singh, Advs.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: **Mr. Pritish Sabharwal, Adv. for MCD
with Ms. Shweta, Adv.
Mr. Manu Sisodia, Ms. Hima Rajput,
Advs. for R-5.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

04.09.2024

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

“a) Issue a Writ/order/direction in the nature of Mandamus, Directing the respondent No. 1 to 3 to take an appropriate action as per law to forthwith stop the unauthorized and/or illegal constructions being carried out at the subject property;

b) Issue a Writ/order/direction in the nature of Mandamus, Directing the respondent No. 1 and 2 to take an appropriate action as per law to seal the subject property forthwith;

c) Issue a Writ/order/direction in the nature of Mandamus, Directing the respondent 1 and 2 to take an appropriate action as per law for removal or demolition of the unauthorized and/or illegal constructions being or have been carried out at the subject property;



d) Pass necessary orders or directions thereby taking appropriate punitive action against the respondent no. 4 to 7 as per law for raising the illegal and unauthorized construction in the said/subject property”

2. The status report appears to have been filed by the respondent-Corporation on 13.09.2024. However, the same is not on record.
3. Let the same be placed in the digital record of the Court.
4. A copy thereof has been handed over by the learned counsel for the respondent-Corporation.
5. Paragraph Nos.2 to 6 of the status report makes the following observations:-

“2. That the Building Plan for property bearing no. XVI-10941- 10942 and 10946, Doriwalan, Shidipura, Subzi Bazar Road, Karol Bagh, New Delhi-110005 had been obtained by the owner Mr. Ramniwas, Mr. Ajay Yadav, Ms. Chehal Gulati, Mr. Hitesh through Bhutani registered Architect/Engineer/Supervisor vide online ID No. 10104399 date 12.07.2022 with the attributes basement, stilt, ground floor, first floor, second floor and third floor over a plot area of 185.77 sqm.

3. That action u/s 344 (1) and 343 of the DMC Act, 1957 had been initiated against the impugned property in the Shape of deviation/excess coverage against SBP No. 10104399 dated 12.07.2022 at stilt, ground floor, first floor, second floor and third floor vide file no. 140/C-83/B/UC/KBZ/23 dated 10.05.2023. Reply to the notice dated 10.05.2023 had been received from Sh. Ajay Yadav and Sh. Ram Niwas dated 15.05.2023 wherein they had requested for personal hearing. Personal hearing had been granted to the Owner/Builder on 26.05.2023, 14.06.2023 and 05.07.2023. Order of demolition had thereafter been passed by the area Assistant Engineer(B)/KBZ vide no. D/AE(B)/KBZ/2023/976 dated 12.07.2023 holding the deviation/excess coverage beyond the sanctioned plan to be unauthorized. Demolition action had been taken on 14.07.2023 wherein two RCC panels of the roof slab at third floor had been cut/demolished.

4. That demolition programmes were fixed for 14.06.2024 and 03.07.2024, however action could not be taken as action taken on another property no. 59/22, Ramjas Road, Karol Bagh and 8750, Shidipura, Karol Bagh respectively (being court matter).

5. That another demolition programme was fixed for 30.08.2024 but action



could not be taken due to non-availability Force from P.S. D.B. Gupta, Road.

6. That further demolition was fixed for 02.09.2024. During action demolished four number of shutters fixed at stilt. Further demolition programme against the property has been fixed for 11.09.2024.”

6. It is thus seen that the demolition programme was fixed on various dates including on 14.06.2024, 30.08.2024 and even on 02.09.2024.

7. The demolition action which has been carried out on 02.09.2024 manifests that four number of shutters fixed at stilt were demolished and further demolition is required to be conducted, which has been scheduled for 11.09.2024.

8. Let the respondent-Corporation to take the demolition action to its logical end with due expedition, not beyond two months from today.

9. The petitioner is also granted liberty to approach the Special Task Force in case the demolition is not completed within the aforesaid period.

10. If the petitioner does so, his grievance shall be addressed in accordance with law.

11. The concerned SHO is directed to cooperate with the respondent-Corporation.

12. So far as the grievance of the private respondents is concerned, the private respondents shall be at liberty to take appropriate recourse in accordance with law.

13. The petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J
SEPTEMBER 4, 2024/P