



\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1917/2019 & CM APPL 8922/2019**
NAVEEN ARORAPetitioner
Through: Mr. G.L. N. Murthy, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

.....Respondents
Through: Mr. Ajjay Arora, Mr. Kapil Dutta and
Mr. Vansh Luthra, Advs. for MCD
Mr. Nazim Uddin Ahmed, Mr. Anil
Kumar Yadav and Ms. Tanveer Khan,
Advs. for R-4

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR
KAURAV

ORDER
16.08.2024

%

1. This writ petition has been filed seeking the following reliefs:-

“It is, therefore, most humbly prayed that the Hon'ble Court may graciously be pleased to: issue writ of mandamus, certiorari or any other appropriate writ or orders or directions thereby directing the respondent No.1 & 2 to execute the demolition orders dated 07.10.2016 issued by the respondent no.2 in respect of property bearing No.F-1/107, Sector-11, Rohini, Delhi- 85 in the interest of justice.

Any other relief or directions which this Hon'ble Court may deem fit and proper be also awarded in favour of petitioner and against the respondents to meet the ends of justice.”

2. The Court takes note of the report dated 08.12.2019 of the Department of Civil Engineering Indian Institute of Technology, Delhi which has been placed on record in terms of the interim order passed by this Court. The findings noted therein suggest certain remedial measures which



need to be undertaken. However, the building has been found to be safe, subject to repairing work like water-proofing of flooring etc.

3. Learned counsel appearing on behalf of the petitioner although raises various objections with respect to the veracity of the report, however, the Court is of the considered opinion, that unless some concrete documents and material is brought on record which may allude to any irregularity, no adverse inference can be drawn with respect to the report dated 08.12.2019.

4. The petitioner shall be at liberty to challenge the said report in appropriate proceedings which can only be determined after extending the opportunity of hearing to the respective parties to lead the evidence. In writ jurisdiction, the veracity of the said report cannot be gone into in absence of sufficient material.

5. Learned counsel for the petitioner, at this stage, submits that even the construction of second floor is without any sanction plan. Since the same is not the assertion made in the instant writ petition, therefore, at this stage, the Court grants liberty to the petitioner to raise appropriate grievance before the respondent-Corporation. In case the respondent-Corporation receives any such representation from the petitioner, it shall deal with the same, in accordance with law.

6. In view of the aforesaid, nothing more is required to be done in the instant petition. The same is accordingly disposed of alongwith the pending application.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 16, 2024

p'ma