



\$~66

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

+ **W.P.(C) 3998/2024 & CM APPL. 29632/2024**

SANJEEV MEHTA

.....Petitioner

Through: Mr.Shailendra Kumar, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Umesh K.Burnwal, SC for MCD
with Mr. Harish Adhikari, Adv.

Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Saksham, Adv for Delhi
Police.

Mr. Kapil Dua and Ms. Vandana
Anand, Adv for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

17.09.2024

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

*" I) writ, order or directions in the nature of Mandamus directing the Respondents no. 1 & 2 to initiate appropriate lawful action against the unauthorized construction raised by Respondent No. 3;
II) award the cost of the present Writ Petition in favour of the Petitioner and against the Respondents;
III) pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."*

2. In paragraphs no. 6 to 9 of the Status Report filed by respondent-MCD, following stand has been taken:-

"6. It is further submitted that as per record the unauthorized construction in the shape of two rooms and stair case at the roof slab of ground floor of flat no. N-26/A-3, Janta Flats, Dilshad Garden was booked vide file no. 42/B-I/UC/SH-N/2021 dated 15/02/2021. The show cause notice under section 343 & 344 (1) of DMC Act, 1957 vide No. 15422 dated 15.02.2021 followed by demolition notice vide no. 18866



dated 02.03.2021 were issued and served to owner/Dr. Rajeev Narula. After non compliance of the above said notices demolition orders were passed on 16/03/2021 after following due process of law.

*7. That the demolition action programme was fixed on 06.07.2022, 11.07.2022 and 25.07.2023 but action could not be taken due to non-availability of police force. A vacation notice U/s 349 of DMC Act dated 22.09.2023 was issued to the owner/occupier under the copy of SHO PS Seemapuri with request to get the premises vacated as the same is found occupied. Further demolition action programme was fixed on 26.09.2023 and demolition action was taken during the course of action one panel of RCC slab at roof of the first floor was demolished and reinforcement bar cut by gas cutter (photographs during demolition are placed at **Annexure R-1 in colly**).*

*8. It is further submitted that the flat no. N-26/A-2, Janta Flat, Dilshad Garden, Delhi has been inspected by the area JE (B) on 15.05.2024 and during the inspection it has been noticed that it is a ground floor DDA land. At the time of inspection no ongoing construction found at site. It is further submitted that deviation/excess coverage against the standard building plan is exist at suit property which is old and occupied. (photograph is enclosed herewith as **Annexure R-2**).*

*9. It is submitted that a letter dated 22.04.2024 has been received from Addl. DCP-II, Shahdara District regarding not providing police force during the General Election of Lok Sabha 2024, hence further action will be taken after General Election of Lok Sabha 2024 as per availability of police force (copy of letter is enclosed herewith as **Annexure R-3**)."*

3. The respondent-MCD is directed to abide by the stand taken in the Status Report and is further directed to take the issue to its logical end within a period of four months from today.

4. The petitioner is granted liberty to approach the Special Task Force (STF), in case, he is of the opinion that the respondent-MCD has not redressed the grievance of the petitioner.

5. With the aforesaid observation, nothing more is required to be adjudicated and the instant writ petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 17, 2024/MJ