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

+ **W.P.(C) 4824/2024 and CM APPL. 19719/2024**

SHOAIB

.....Petitioner

Through: Mr. M. L. Yadav, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Mohit Bhardwaj, Adv. for R-2.
Mr. A. H. Pasha and Mr. A. K. Pasha,
Adv. for R-3 to 5.
Mr. Ashutosh Gutpa, ASC with Mr.
Arman Monga, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

06.09.2024

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1. Learned counsel appearing for the petitioner seeks liberty to withdraw the instant petition.
2. Liberty, as prayed for, is granted.
3. The petition stands disposed of as withdrawn.
4. The Court, however, takes note of the status report filed by the respondent-Corporation which states as under:-

"1. That I am working with answering Respondent/ Municipal Corporation of Delhi. I have been authorized to depose the present affidavit. Being conversant with the facts of the case, as reported and brought out from the records, I am competent to depose the present short reply affidavit, in my official capacity.

2. That the present affidavit is being filed in compliance of orders dated



03.04.2024 of this Hon'ble Court in the present case.

3. That it is respectfully submitted that as per record, property bearing no. 2323, Shah Abu Khair Marg, Near Do Bhai Hotel, Turkman Gate, Delhi-110006 was inspected field official on 12.04.2024 and upon noticing unauthorized construction in the shape of entire ground floor, first floor and second floor the same was booked under section 344(1) and 343 of the DMC Act vide file no.80/UC/76/B-II/CSPZ/2024 dated 12.04.2024 and after following the due process of law demolition order dated 23.04.2024 has been passed in respect of aforesaid unauthorized construction thereby directing the owner/builder to demolish the said unauthorized construction within 06 days failing which the same shall be demolished at the cost and risk of the owner/builder. A copy of demolition order dated 23.04.2024 is annexed herewith as **Annexure-A**. Apart from the above, a work stop notice dated 15.04.2024 was also issued to the SHO P.S. Chandni Mahal to ensure that no unauthorized construction is carried out in the property in question. A copy of work stop notice dated 15.04.2024 is annexed herewith as **Annexure-B**.

4. That it is respectfully submitted that as the owner/builder failed to comply with the aforesaid demolition order dated 23.04.2024 therefore action was planned for 06.05.2024 wherein 02 RCC panels at the roof of third floor has been demolished at ongoing stage with the help of staff of P.S. Chandni Mahal. Photographs showing demolition action on 06.05.2024 are annexed herewith as **Annexure-C(Colly)**: A watch and ward letter dated 08.05.2024 has also been issued to the SHO P.S. Chandni Mahal requesting him to ensure that no reconstruction work/further construction work is carried out in the property in question. A copy of watch and ward letter dated 08.05.2024 is annexed herewith as **Annexure-D**.

5. That it is respectfully submitted that in continuation of earlier booking, unauthorized construction in the shape of third floor and fourth floor has also been booked under section 344(1) and 343 of the DMC Act vide file no.106/UC/76/B1/CSPZ/2024 dated 06.05.2024. It is submitted that during service of notice to the notice on 08.05.2024 it was revealed that there exists unauthorized basement also which was earlier covered and on 08.05.2024 was found open. It is submitted that after following due process of law demolition order dated 15.05.2024 has been passed thereby directing the owner/builder to demolish the unauthorized construction in the shape of basement, third floor and fourth floor within 06 days failing which the same shall be demolished at the risk and cost of the owner/builder. A copy of demolition order dated 15.05.2024 is annexed herewith as **Annexure-E**.



6. That it is respectfully submitted that apart from the above, sealing proceedings under section 345-A of the DMC Act have also been initiated against the unauthorized construction in the property in question. Further action in the matter shall be taken in due course of time in accordance with law and as per policy of Corporation.”

5. The respondent-Corporation shall continue to carry out necessary action in accordance with law and shall take the same to its logical end.

6. In case the petitioner or any other person has any grievance, they are at liberty to approach the Special Task Force constituted by DDA.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 6, 2024/p