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

+ **W.P.(C) 9756/2022**

ANANYA ROY

..... Petitioner

Through: Mr.Umesh Sharma with Mr.Narendra
Singh Hooda nad Ms.Ginitpal Kaur
Bal, Advocates.

versus

LT. GOVERNOR GNCTD & ORS

..... Respondents

Through: Mr.Manu Chaturvedi, Advocate for
MCD (Through VC) with Ms.Devika
Singh and Mr.Roy Chowdhury,
Advocate.
Mr. Sanjay Vashishta with Ms.
Harshita Rai and Mr. Prince Pathak,
Advs. for DDA.
Mr.Udit Malik, ASC for GNCTD.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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28.05.2024

C.M.No.32434/2024

1. Present application has been filed by the petitioner seeking directions to initiate perjury proceedings against the respondent no.4/Municipal Corporation of Delhi (MCD).
2. Learned counsel for the petitioner states that the property in question i.e. B-1/110, Sector-17, Rohini, Delhi stands as it is and the officials of respondent no.4/MCD had misled this Court and made a false statement that violative parts of the said property had been demolished.



3. He states that the respondent no.4/MCD on the last date of hearing i.e. 20th February, 2024 had submitted a misleading statement that no fresh construction was being done in the subject property and that no one was residing in the subject property. He emphasises that the consumption of electricity on the said floor of the building clearly shows that the said house is very much occupied and the officials of MCD have made a false statement with intent to mislead this Court.

4. Per contra, learned counsel for MCD has drawn this Court's attention to the Status Report dated 15th February, 2024 filed by the MCD, wherein it has been averred as under:-

“7. That accordingly demolition programme on the subject property was fixed for 10.05.2023 and on this date demolition action has been taken. That during the course of the demolition action the RCC roof slab/penal has been demolished and cut down with the help of gas cutter along with the walls of the said floor were also demolished. Copy of the photographs of the demolition action dated 10.05.2023 are hereby annexed as ANNEXURE-B (colly).

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9. That it is relevant to mention here that the property in question was again inspected by area JE(B) on 07.02.2024 and during the inspection, it was noticed that no reconstruction has been carried out at the site and property is lying in the same position as it was after the demolition action. Copy of the photographs of the suit property taken at the time of inspection dated 07.02.2024 are hereby annexed as ANNEXURE-D (colly).”

5. He further states that the electricity bill relied upon by the petitioner in the present application shows that base fees has been levied – which is levied even if no electricity is consumed.

6. This Court is in agreement with the statement made by learned counsel for the MCD that action in accordance with law has been taken by the MCD and that the electricity bill annexed by the petitioner does not *prima facie* show that the property in question is occupied.



7. Consequently, the present application is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 28, 2024
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