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

+ **W.P.(C) 6422/2024**

SMT. BINA RANI THROUGH HER ATTORNEY HOLDER

.....Petitioner

Through: Ms.Meena Chaudhary Sharma and
Mr.Saurabh Goel, Advs.

versus

MUNCIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr.Ashutosh Gupta, ASC for MCD.
Mr. Anoop Prakash Awasthi, Adv for
R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **10.09.2024**

1. Respondent-MCD has placed on record the Status Report pursuant to the directions passed by this Court.
2. Paragraphs nos.3 to 6 of the Status Report read as under:-

"3. That there is no sanctioned building plan of property bearing no. 52/60-6 I, Ramjas Road, Karol Bagh, New Delhi-I I 0005. The plot/property bearing no. 52/60-61, Ramjas Road, Karol Bagh, New Delhi-110005 comprises of two independent buildings. Both the buildings have been constructed after amalgamation of two plots i.e. 52/60-61, Ramjas Road, Karol Bagh, New Delhi-05.

4. That one building comprises of ground floor, first floor and second floor. The records available with the Building Department, Karol Bagh Zone, MCD reveal that action u/s 344(1) & 343 of the DMC Act had been initiated against the unauthorized construction in the property in the shape of erection of staircase, lobby and lift well at ground floor, first floor and raising of walls at second floor and unauthorized construction of one room at ground floor in open courtyard in rear side as in right side in the existing building vide file



no. B/UC/KBZ/2018/365 dated 02.07.2018. Reply had been received from Ms. Pushpa Som W/o Sh. Dinesh Soni on 05.07.2018. Order of demolition had been passed vide no. D/AE(B)/KBZ/2018/196 dated 22.01.2019. Demolition action had been taken at the ongoing stage on 07.06.2018 wherein, chajja at the ground floor had been demolished. Further action had been taken on 12.02.2019. Roof slab and parapet wall at terrace floor had been demolished.

5. That it is further submitted that the above part of the building had been inspected by the concerned JE(B)/KBZ on 15.05.2024 in the presence of the representative of the petitioner and a status report had been filed before the Hon'ble Court in the present matter to the effect that the impugned premises comprises of ground floor, first floor and second floor. Renovation work including plastering, replacement of doors & windows, white washing, painting, new sanitary fittings etc. were found being done at the first floor. There is only one room, one toilet and one bath room at the second floor which are old. Plaster work was seen to be done over them. These are permissible activities wherein, no building permit is required. However, two small walls have been erected afresh, seemingly at the same place, post demolishing the old walls. The said contentions of the department are reiterated.

6. That the other part/building in the Property No. 52/60-61, Ramjas Road, Karol Bagh, New Delhi- 110005 comprises of basement, ground floor, first floor, second floor, third floor and one room at terrace. The construction in the property has been raised without any valid sanction building plan. Accordingly the property no. 52/60-61 (Part), Ramjas Road, Karol Bagh, New Delhi- 110005 has been booked for "**unauthorized construction in the shape of entire basement, ground floor, first floor, second floor, third floor and one room at terrace (all the floors are old and residentially occupied)**" u/s 344 (1) and 343 of the DMC Ad, 1957 vide file no. 205/C-83/B/UC/KBZ/2024 dated 05.09.2024 and a show cause notice issued to Owner/Occupier. Further action shall be taken as per law. The copy of the show cause notice dated 05.09.2024 is annexed herewith as **Annexure-A.**"

3. So far as the respondent-MCD is concerned, it is directed that it shall take necessary steps in accordance with law. The respondent-MCD is bound by its status report already placed on record. The action shall be taken to its logical end. Besides this nothing more is required to be done under the facts



of the present case.

4. The petitioner, however, asserts that the respondent-MCD's action is incomplete. Having perused the Status Report, the Court also finds that if the petitioner has any further grievance with respect to the construction allegedly being carried out by the respondent in the building where the petitioner resides or otherwise, the petitioner has to approach the Special Task Force (STF) which has been constituted in pursuance of the directions of the Supreme Court *vide* order dated 24.04.2018 in W.P. (C) 4677/1985 titled as ***M.C. Mehta v. Union of India***. The petitioner is also at liberty to take necessary recourse under civil law.

5. The nature of the grievance which is sought to be agitated in present petition cannot be gone into in writ jurisdiction.

6. Reserving that liberty in favour of the petitioner, the Court disposes of the instant writ petition.

7. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J
SEPTEMBER 10, 2024/MJ