



\$~34

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

+ **W.P.(C) 7523/2024 & CM APPL. 31334/2024**

FASAL

..... Petitioner

Through: Mr. Shakeel Abbas and Mr. Shakil
Sheikh, Advocates

versus

DY. COMMISSIONER, MUNICIPAL CORORATION OF DELHI
AND ORS.

..... Respondents

Through: Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Mr. Vansh Luthra and Ms. Simran
Arora, Advocates for MCD
Mr. Arun Panwar, Advocate for R-3
& R-4
Mr. Kuldeep Narwal, AE, South
Zone, MCD.
S.I. Lal Chand, P.S. Vasant Kunj
South

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

24.05.2024

CM APPL. 31335/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 7523/2024 & CM APPL. 31334/2024

1. Present public interest petition has been filed seeking a direction to the Respondent Nos. 1 to 4 to demolish the illegal and unauthorized construction being carried out by Respondent No. 5 at Property No. AZ-66,



Bhawani Kunj, Behind Sector-D-II, Vasant Kunj, New Delhi-110070.

2. Learned counsel for the Petitioner states that Respondent No. 5 is the builder/owner of the aforementioned property and has been carrying out illegal and unauthorized construction at the said property in violation of building bye-laws. He points out that Respondent No. 5 had demolished the old structure and had started raising an illegal and unauthorized multi-storied structure at the said property without obtaining any sanction or prior permission. He also states that Respondent No. 5 has dumped building material such as bricks, debris, cement, sand etc. in the lane, which causes air pollution and inconvenience to the public at large.

3. Learned counsel for Respondent No. 1 states that the property in question is not AZ-66, Bhawani Kunj but RZ-84/8, Bhawani Kunj. He admits that the construction in question is illegal and without any prior permission or sanction. He states that demolition action *qua* the aforesaid property has been scheduled for 3rd June, 2024. He assures and undertakes to this Court that strict action in accordance with law shall be taken.

4. It is directed that as and when the police force is asked for by the MCD, the same shall be supplied by the Delhi Police.

5. This Court is of the opinion that if Delhi Municipal Corporation itself admits that the property in question is illegal and unauthorised, it is not understood as to how the same was allowed to be constructed. The Commissioner, MCD is directed to ensure that action is taken against the erring officials, who permitted unauthorised construction at such a large scale.

6. With the aforesaid directions, the present writ petition stands disposed of. Let an action taken report be filed on or before 2nd July, 2024 by



Respondent No. 1 as well as Respondent No. 3 through SHO Vasant Kunj,
South.

7. List on 5th July, 2024 for compliance.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 24, 2024/rhc