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

+ W.P.(C) 12675/2021 & CM APPLs. 39909/2021, 13411-12/2022,  
13413/2022 & 691/2022

RAJKUMARI SHARMA

.....Petitioner

Through: Ms. Renu, Mr. Kamlesh Kr. Mishra  
and Ms. Shivani Verma, Adv.

Versus

NDMC AND ORS

.....Respondents

Through: Mr. Ananel Prakash, SC for MCD  
with Ms. Varsha Arya and Mr. Satbir,  
Adv.  
Mr. Divij Soni, Adv. for DDA  
Mr. Pradeep Kumar Mishra and Mr.  
Ashish Upadhayay, Adv. for R-7  
Mr. Hetu Sethi, ASC for GNCTD  
with Mr. Prakhar Tripathi, Adv. for  
R-8

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR  
KAURAV**

**ORDER**

**16.08.2024**

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1. The petitioner has prayed for the following reliefs:-

*"I. Pass an order directing the respondents ensure that any attempt of illegal construction at B-5/2, Double Storey, Ramesh Nagar, New Delhi-110015 and such other properties be immediately stopped and no illegal construction is allowed to be made at the said site.*

*II. Pass an order directing the respondents to register and act on the complaints made by the petitioners as detailed in the present petition.*

*III. Pass an order directing the respondent authorities to take actual action and execute the directions/orders issued by them.*

*IV. Pass an order directing the respondent authorities to demolish any unauthorized/illegal construction at B-5/2, Double Storey, Ramesh Nagar, New Delhi- 110015.*



*V. Pass any such directions or order that this Hon'ble court deems fit and proper in the facts and circumstances of the above mentioned case.”*

2. However, in view of the objections raised by learned counsel appearing on behalf of the owner, the Court confines the scrutiny to the extent of third floor, specifically as to whether the same is constructed as per the sanction plan or otherwise.

3. Learned counsel appearing on behalf of the respondent-Corporation, while taking this Court to the Status Report dated 10.10.2023, submits that action against the entire third floor had been initiated way back in the year 2014. However, the same has already been taken to its logical end on 27.07.2023 by way of demolishing the third floor to the extent of cutting RCC panel and rendering the third floor unfit for habitation. Paragraph Nos. 4 to 7 of the Status Report read as under:-

*“4. That action against the property at Ground Floor i.e. 5/1, Ramesh Nagar, New Delhi had been initiated in the shape of excess coverage against standard building plan and providing seven shutters, six shops vide file no. 375/B/UC/WZ/03 dated 01.07.2003 and against 5/2, Ramesh Nagar, New Delhi in the shape of deviation /excess coverage against standard plan at FF and UC at Second Floor vide file no. B/UC/WZ/03/376 dated 01.07.2003. Order of demolition, in both the files had been passed on 08.07.2003.*

*5. That action against the entire third floor had been initiated vide file no. B/UC/KBZ/2014/430 dated 09.09.2014. The order of demolition had been passed on 15.09.2014. Vacation notice u/s 349 had also been issued vide no. D/AE(B)/KBZ/2018/1595 dated 13.08.2018.*

*6. That in pursuance of the order dated 20.07.2023 of this Hon'ble Court, vacation notice had been sent vide no. D/AE(B)/KBZ/2023/1210 dated 21.07.2023 and demolition action had been fixed for 25.07.2023. Action had been taken on 25.07.2023 at the third floor of the property wherein, one panel of RCC slab had been demolished. The reinforcement could not be cut as the electricity was not dis-connected. Further action had been fixed for 27.07.2023.*

*7. That demolition action had been taken on 27.07.2023 wherein, three*



*more RCC panels had been cut at the third floor rendering the entire floor unfit for habitation. Photographs are enclosed herewith for ready reference of this Hon'ble Court."*

4. Once the respondent-Corporation has taken a stand that the unauthorised construction to the extent of third floor was carried out and a part of it has already been demolished, it is the duty of the respondent-Corporation to ensure that the said construction should always remain uninhabitable.
5. Learned counsel appearing on behalf of the owner submits that the third floor has completely been rendered unfit for habitation and his client is neither using the said floor for habitation nor intending to do so.
6. In view of the aforesaid, recording the statement of learned counsel for the owner and keeping in mind the stand taken by the respondent-Corporation in its Status Report dated 10.10.2023, the Court is not inclined to keep this petition pending on its Board. However, the respondent-Corporation is directed to re-visit the premises in question and to re-assure itself as to whether the statement made by the owner is correct or otherwise.
7. The petition is accordingly disposed of in the aforesaid terms.

**PURUSHAINDR KUMAR KAURAV, J**

**AUGUST 16, 2024**

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