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

+ **W.P.(C) 9483/2024, CM APPL. 38934/2024**

SMT. NIRMALA

.....Petitioner

Through: **Mr.Bheem Sharma, Adv.**

versus

MR. DEEPAK SHROTRYA & ORS.

.....Respondent

Through: **Mr. Vishalraj Sehijpal, Mr.
Purushendra Bhardwaj, Advocate.
Mr. Akshay Chandra, Mr. Vishal
Mishra, Mr. Utkarsh Bhanu,
Advocate for R-5.
Mr. Mohit Bhardwaj, Advocate for R-
6 to 7.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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25.07.2024

1. The petitioner has filed the instant writ petition praying for the following reliefs:-

“a.to issue a writ of mandamus thereby issuing the necessary directions to the respondent no.4 to 7 to demolish the illegal construction I encroachment upon Ground Floor, First Floor, Second Floor and Third Floor in property bearing no.552. DDA Janta Flat, G.T.B. Enclave, Dilshad Garden, Delhi- 110093, which is specifically shown in the site plan as mentioned above.

b. pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the interest of justice in the facts and circumstances of the present case.”

2. The respondent-Corporation in its status report has taken the



following stand:-

"1. That the deponent is presently posted as Executive Engineer (Building)-I, Shahdara (North) Zone, MCD and well conversant with the facts and circumstances, of the present case and competent to swear the present affidavit in the official capacity on the basis of record and information made available by the officials of Building Department, Shahdara (North) Zone, MCD.

2. That, it is submitted that the above DDA Flat bearing no. 552, DDA Janta Flat, GTB Enclave, Delhi has been inspected on 12/07/2024 by the area Junior Engineer (Bldg) and excess coverage/deviation against standard building plan at Ground Floor and unauthorized construction at entire First Floor, Second Floor & Third Floor alongwith projection on Mpl Land had been booked vide file no. 104/B-I/UC/SH-N/2024 dated 12/07/2024. The show cause notice dated 12/07/2024 u/s 343/344 of DMC Act has been sent to Sh. Deepak Shrotriya owner/bulider for submitting reply if any within stipulated period. The response, of the show cause notice is awaited. The further action would be taken against the above said unauthorized construction after receiving the reply if any to the above show cause notice within stipulated period. The copy of show cause notice dated 12/07/2024 as Annexure - R1. Report is submitted accordingly."

3. Learned counsel who appears for the respondent-Corporation, on instructions, submits that the necessary demolition action shall take place against the unauthorised construction and the matter shall be taken to its logical end.

4. In view of the stand taken by the respondent-Corporation in its status report and submissions made by the learned counsel, the Court, at this stage, is not inclined to keep this petition pending and instead directs the respondent-Corporation to adhere to the stand which has been taken in the status report and to take the issue to its logical end.

5. Accordingly, the instant petition stands disposed of alongwith the pending application(s).

6. The petitioner is granted liberty to re-agitate the issue before the respondent-Corporation or to take appropriate steps in accordance with law, in



case the grievance of the petitioner is not fully mitigated.

PURUSHAINdra KUMAR KAURAV, J

JULY 25, 2024/KG