



\$~36

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

+ **W.P.(C) 9695/2024 & CM APPL 49619/2024**

BIR SINGH

.....Petitioner

Through: Mr. Avadh Bihar, Mr. Rishabh Kumar, Mr. Nazim Uddin Ahmed, Mr. Anil Kumar Yadav and Mr. M.A. Jamal, Advs.

versus

GNCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Prashant Manchanda, ASC for GNCTD with Ms. Nancy Shah, Adv. Mr. Arjun Mahajan, SC for MCD with Ms. Neha Rai and Mr. Apoorv, Adv. Mr. Naveen Chauhan, Adv. for R-4

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

29.08.2024

1. The instant writ petition has been filed by the petitioner seeking for the following directions:-

“i. It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue a Writ in the nature of MANDAMUS or any other appropriate Order/Direction of like nature directing the Respondent 1-3, forthwith demolish the illegal construction being constructed in the property of the Petitioner.

ii. It is also requested to direct the respondent fix the accountability of the ground staff who are posted at the area during the illegal construction and punish them.



iii. Any other Order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case may also be passed in favour of the Petitioner and against the respondents.”

2. On notice being issued, the respondent-Corporation has placed on record its Status Report and has stated that as per the record, the action has already been initiated against two separate properties which are identified as property bearing no. D-145, Gate No.4, Freedom Fighter Enclave, IGNOU Road, New Delhi and D-145-C and D-145-D, Freedom Fighter Enclave, New Delhi
3. As per the respondent-Corporation's stand with respect to property bearing no. D-145, Gate No.4, Freedom Fighter Enclave, IGNOU Road, New Delhi, various steps have been taken including directions for disconnection of electricity and water supply.
4. Even letter dated 11.07.2024 is stated to have been sent to the Sub-Registrar for not registering the property under the Indian Registration Act, 1908.
5. Besides the aforesaid, the action of sealing under Section 345A of the DMC Act, 1957 has been initiated with respect to the said property.
6. The Corporation further states that further action shall be taken in terms of monthly demolition schedule of the area. So far as the property bearing no. D-145-C and C-145-D, opposite D-144C and D-144D, Freedom Fighter Enclave, New Delhi is concerned, the Status Report states that demolition/sealing orders have already been passed and the building has been made uninhabitable/beyond use in terms of the various action as has been stated therein.
7. The petitioner by way of rejoinder points out certain photographs to



indicate unauthorised construction.

8. Learned counsel for the Corporation, however, submits that those photographs are not related to the properties as has been mentioned in the Status Report.

9. Having perused the nature of the steps taken by the Corporation, the Court, at this stage, is not inclined to pass any further directions except to record the stand taken by the Corporation that necessary steps shall be taken in accordance with law.

10. So far as the grievance raised by the private respondents are concerned, they shall be entitled to raise their stand before the Corporation and the Corporation shall consider the same, in accordance with law.

11. The Corporation, however, shall be bound by the aforesaid stand. If the petitioner has any further grievance or if the petitioner believes that the photographs are related to the property which is the subject matter of the instant writ petition itself, the petitioner shall be at liberty to approach the Special Task Force as has been constituted by the DDA in terms of the directions passed by the Supreme Court.

12. Leaving that liberty to the petitioner, no further directions are required, at this stage. The petition is accordingly disposed of alongwith pending application.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 29, 2024

p'ma