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

+ W.P.(C) 10465/2024, CM APPL. 43034/2024, CM APPL. 52984/2024

SYED ZEN HUSSAIN

.....Petitioner

Through: Mr. Devesh Kumar, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondent

Through: Mr. Sanjay Katyal, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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11.09.2024

1. In the status report, the following position has been taken by the Corporation:-

" 3.That it is most respectfully submitted that subordinate official or deponent carried out inspection of the site on 30/07/2024. During inspection and local enquiry, it was revealed that land whereupon alleged structure has come up is acquired land of DDA. To draw conclusion on the status of land, the matter ,was pursued with DDA. which revealed that although the land ,was acquired by DDA yet possession of the same was not taken. Pursuant to above clarification, answering respondent initiated following actions as per DMC Act, 1957:

i) Demolition proceedings u/s 343/344 of the DMC Act- The existing structure of subject property consist of Stilt, Ground to Fourth Floor. The answering respondent initiated demolition proceedings against said unauthorized construction u/s 343/344 of the DMC Act vide File No. 174/8 /UC/EE(B)-I I/CNZ/24 dated 30/07/2024. The show cause notice bearing printed No. 14298 dated 30/07/2024 was issued in the name or Shri Yudhveer Singh Chauhan, Respondent No.5, is annexed



herewith as Annexure-A. Further action is under contemplation as per provisions of DMC Act, 1957. The demolition action will be planned as soon as demolition proceedings are concluded and order passed after following due process of law.

ii) Work Stop Notice u/s 344(2) of the DMC Act – To prevent further unauthorized construction, the answering respondent issued Work Stop Notice to SHO/PS-Sarita Vihar vide No.D/131/ AE(B)-I/Central Zone/2024 dated 02/08/2024 for getting the construction work stopped, to confiscate the building material tools and plant and to disperse the work force from construction site. Copy of work stop notice is annexed herewith as Annexure-B.

iii) Disconnection of Water & Electricity connection - The answering respondent vide letter No.D/132/ AE(B)-1/Central Zone/2024 dated 02/08/2024 referred the case to Delhi Jal Board and BSES Rajdhani Power Limited for disconnection of water and Electricity connection of the subject property. The office of Sub-Registrar was also requested for not registering the writ property. Copy of said letter is annexed herewith as Annexure-C.

iv) Sealing Proceedings u/s 345-A of the DMC Act - The answering respondent also initiated sealing proceedings against aforesaid unauthorized construction u/s 345-A of the DMC Act. The competent authority after following due process of law passed sealing order. Copy of sealing order dated 05/08/2024 is annexed herewith as Annexure-D.

v) Prosecution Proceedings u/s 466-A of the DMC Act - The answering respondent also initiated proceedings u/s 466-A of the DMC Act 1957 to prosecute the offender(s) in the court of law. In this regard, answering respondent has filed a complaint with SHO/PS- Sarita Vihar under the signature of Deputy Commissioner, Central Zone. MCD for investigation of offender(s). of persons(s). who is responsible for unauthorized construction and to file FIR against the offenders. Copy of complaint bearing No. D/110/Prosecution/DC/EE(B)-II/CZ/2024 dated 05.08.2024 is annexed herewith as Annexure-E

4. That answering respondent will carry out sealing action on 06/08/2024 subject to availability of police force. Further as soon as



demolition proceedings are concluded and order passed the continuous demolition actions will be planned and carried out.

2. In view of the status report, the petitioner at this stage, prays for withdrawal of the instant writ petition. The liberty so prayed for is granted.
3. The Corporation is directed to ensure that further legal action shall be taken in accordance with the status report.
4. In any event, if the grievance of the petitioner is not completely redressed, liberty is granted to the petitioner to ventilate his grievance before appropriate forum.
5. Accordingly, the instant petition stands disposed of as withdrawn, alongwith all pending application.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 11, 2024/KG