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

+ **W.P.(C) 13367/2019 & CM APPL. 8031/2020**

KRISHNA DEVI

.....Petitioner

Through: **Mr.N.K.Aggarwal, Ms.Sanjana and
Mr.Amanpreet Kaur, Advs.**

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

.....Respondents

Through: **Ms.Meenakshi Midha, Adv for MCD.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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18.09.2024

1. In pursuance of the directions passed by this Court, the respondent-NDMC has placed on record the Status Report dated 17.09.2024.

2. Paragraphs nos.13 to 18 of the Status Report reads as under:-

"13. That further demolition action had been fixed for 05.09.2024. During which the property was first vacated with the help of police force and demolition action taken as under:-

- 1. Demolition action taken in the shape demolition of RCC slab at ground floor and cutting of reinforcement using gas cutter.*
- 2. Demolition action taken in the shape of demolition of RCC slab at first floor, cutting reinforcement using gas cutter and demolition of side wall of the property at third floor.*
- 3. Demolition action taken in the shape of demolition of RCC slab at second floor, cutting of reinforcement using gas cutter and demolition of side wall of the property on second floor.*

14. That further demolition action had been fixed on 06.09.2024 during which demolition action taken in the shape of RCC slab at third floor and cutting of reinforcement using gas cutter.

15. That in addition to above, sealing proceedings u/s 34SA of the DMC Act, 1957 have also been initiated against the property no. T-510/C, Hill Marg, Baljeet Nagar, New Delhi and a show cause Jlotice vide no. D/EE(B)/KBZ/2024/429 dated 28.08.2024 had been issued to Sh. Rajinder Prasad, Sh. Biru Ram, owner/occupier. Thereafter, a



*sealing order u/s 345A of the DMC Act, 1957 vide no. 12/UC/Seal/EE(B)/KBZ/2024 dated 06.09.2024 had been passed and the entire property sealed at all 4 entry points on 06.09.2024 after taking demolition action with help of police force P.S. Patel Nagar. The copy of the sealing order dated 06.09.2024 is annexed herewith as **Annexure-E**.*

16. That in order to take demolition action against the unauthorized construction existing in the property the property was de-sealed temporarily and demolition action fixed of police force. Further demolition action had been taken on 13.09.2024 in the shape of demolition walls of fourth floor rooms and slab of mumty alongwith walls. Thereafter the property was re-sealed.

17. That it is also submitted that the property measures around 3 5 sq. yds. only and one room toilet and kitchen were constructed on each floor. After the above demolition actions the property has become inhabitable and lying sealed.

18. That the photographs of the property taken during demolitlion actions before 13.09.2024 and on 13.09.2024 are alos annexed herewith as Annexure-F (colly)."

3. Learned counsel appearing on behalf of the petitioner, however, submits that the entire structure has become dangerous and the same is unsafe for any inhabitation. He, therefore, submits that the entire structure be directed to be demolished.

4. The Court has perused the Status Report and has also seen the photographs attached with the same. The property in question, as of now, stands sealed and the same has clearly been made uninhabitable.

6. Therefore, the prayer in the instant writ petition stands satisfied as the property stands sealed. If the petitioner has any further grievance, she shall be at liberty to take up the issue before the respondent-NDMC or to approach the appropriate forum. The direction for its complete demolition can only be passed on due examination of various other factors.

7. With the aforesaid liberty, at this stage, the Court is not inclined to



keep the instant writ petition pending on its Board and instead disposes of the same with the liberty as observed hereinabove.

8. All pending applications are also disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 18, 2024/MJ