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

+ **W.P.(C) 11147/2024**

ANJALI DAS

.....Petitioner

Through: **Mr. Karamveer Singh, Adv.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: **Mr. Neeraj Kumar, Standing Counsel,
with Mr. Chaitanya Kumar, Advocate
for R-1.**

Mr. Nikhil Palli, ASC for MCD.

**Mr. Anil Kumar Verma, Ms. Ashu
Rani and Ms. Neeti Thakur, Adv. for
R-2 and 3.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

04.09.2024

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1. The respondent-Corporation appears to have filed the status report in the Registry, however, the same is not on record.
2. Let the same be placed on the digital record of the Court.
3. Copy thereof has been handed over by learned counsel appearing for the respondent-Corporation.
4. Paragraph Nos.1 to 5 of the said status report read as under:



“1. That the deponent has been posted as Executive Engineer (Bldg)-1, in the Central Zone of Municipal Corporation of Delhi. I have gone through the relevant records presently maintained by the Building Department of the Central Zone Municipal Corporation of Delhi and placed before me. On the basis of records placed before me, I have made myself conversant with the facts of the present case and therefore, I am competent to swear the present report / affidavit, on the basis of record.

2. That cause of litigation on the part of petitioner pertains to unauthorized construction, which is stated to have been carried out by the respondent No. 2 & 3 i.e. owners of third floor of subject property bearing No.28, Ram Puri, Kalkaji, New Delhi. The subordinate official of deponent carried out inspection of subject property. The inspection did not reveal any ongoing unauthorized construction. The existing structure of the property consisting of Basement, Ground, First, Second & Third Floor is very old. The perusal of petition revealed that petitioner had dispute with previous owner of third floor and in the year 2011 both the parties entered into MOU/Compromise Deed dated 28/07/2011. However, the respondent No. 2 & 3, owners of third floor has objected to the access of the petitioner for checking the water tank and its maintenance.

*3. That as per record, the building plan in respect of subject property was sanctioned in the year 2000 vide File No. 440/B/CZ/200 dated 29/12/2000 for the construction of proposed residential building having provision of Basement, Ground Floor, First Floor and Second Floor on plot measuring 86.95 square meters in size. The existing structure is consisted of Basement, Ground, First, Second & Third Floor. As per record, in the year 2011, violation of sanctioned building plan in the shape of excess coverage / deviations and infringement against sanctioned building plan at front and rear setback from basement to second floor and unauthorized construction of third floor was booked u/s 343/344 of the DMC Act vide File No.134/B/UC/CZ/2011 dated 01/06/2011. The competent authority after following due process of law passed demolition order dated 08/06/2011. Copy of demolition order is annexed herewith as **Annexure-A**.*

*4. That answering respondent has issued Vacation Notice to the all the occupants including petitioner so that necessary demolition action could be carried out. A copy of vacation notice has also been endorsed to SHO/Ps-Kalkaji for getting the property vacated in case occupants dot not vacate the property within the given period. Copy of vacation notice No.D/687/AE(B)-IV/CNZ/2024 dated 30/08/2024 is annexed herewith as **Annexure-B**.*

5. That answering respondent has planned demolition action, which shall



be carried out on 26/09/2024 subject to availability of police force”

5. It is thus seen that the respondent-Corporation has already initiated action in accordance with law. The further demolition action has been fixed for 26.09.2024.
6. The concerned SHO is directed to cooperate with the respondent-Corporation.
7. The respondent-Corporation is directed to take the action to its logical end within a period of two months from today.
8. In case the petitioner has any further grievance, she shall be entitled to approach the Special Task Force which has been constituted in light of the directions passed by the Supreme Court in W.P. (C) 4677/1985 titled as ***M.C. Mehta v. Union of India.***
9. With the aforesaid direction, the petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 4, 2024/p