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

+ **W.P.(C) 11166/2024**

SHEKHAR

.....Petitioner

Through: Appearance not given.

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

.....Respondents

Through: Mr. Varun Chandiok, Mr. Alok Kumar and Ms. Anubhi Goyal, Advs. for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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11.09.2024

1. The instant petition has been filed seeking the following reliefs:-

“(i) thereby directing the respondent No.1 to 4 to book, seal and demolish the illegal and unauthorized construction raised by the respondent Nos.5 to 7 in property bearing No. 459-B/7, Dalhai Mohalla, Bhola Nath Nagar, Shahdara, Delhi-110032;

(ii) pass appropriate writ / direction / order thereby restraining the respondent Nos.5 to 7 from occupying road in front of subject property i.e. 459-B/7, Dalhai Mohalla, Bhola Nath Nagar, Shahdara, Delhi-110032;”

2. The respondent-Corporation has placed on record its status report.

Paragraph Nos.4 to 11 of the same read as under:-

“4. That, as per record, the property bearing No.459-B/7, Dalhai Mohalla, Bhola Nath Nagar, Shahdara, Delhi-110032 was inspected by the then area Junior Engineer (Building) concerned on 14.12.2012. During the inspection, unauthorized construction in the shape of stilt, ground floor, first floor, second floor & arising third floor was noticed and same was booked vide booking file No.413/B/UC/SS/12 dated 14.12.2012. The show



cause notice dated 14.12.2012 u/s 343/344 of DMC Act was sent to Sh. O.P. Pahawa, Owner/Occupier/Builder of the property in question through Speed Post. But the above owner/occupier/builder of the property failed to give the reply, to the above said show cause notice dated 14.12.2012 within stipulated period. Therefore, the order of demolition notice dated 24.12.2012 was sent to the above owner/occupier/builder of the property in question through Speed Post, with directions to demolish the above said unauthorized construction within stipulated period. But the above owner/occupier/builder of the property failed to demolish the above said unauthorized construction within stipulated period. Hence, the demolition order was passed on 08.01.2013 after following due process of law.

5. That, the demolition action program was fixed on 10.01.2013 and demolished wall & pillar of third floor, two numbers of roof slab panel also cut out wall, door, window of first floor & second floor demolished with the help of police force.

6. That, the further demolition action programs were fixed on 16.05.2023 & 10.10.2023 but actions could not be executed due to shortage of time.

7. That, the demolition action program was again fixed on 17.11.2023 but action could not be taken due to GRAP-IV issued by Delhi Govt.

8. That the further demolition action programs were fixed on 22.01.2024, 08.02.2024 & 06.03.2024 but actions could not be executed due to non availability of police force.

9. That, the demolition action program was again fixed on 21.08.2024 and action was taken in the form of demolition of section of base slab (ground floor) & base slab of second floor with the help of police force.

10. That, the further demolition action program Was fixed on 22.08.2024 and action was taken in the form of demolition of section of walls towards road side with the help of police force.

11. That, it is pertinent to mention here that Mrs. Santosh Devi and Mrs. Bala Devi filed a joint application for regularization (self regularization file) vide No.88-Regularization dated 23.08.2024 and same is under active consideration. Further action would be taken in due course of time as per law.”

3. It is thus seen that the partial demolition action has already been taken by the respondent-Corporation and thereafter, the respondent-Corporation



appears to have received application for regularisation of the construction in question.

4. The Court, therefore, deems it appropriate to dispose of the instant writ petition with the following directions:-

- i. Let the application for regularization of the construction be decided within a period of four weeks from today.
 - ii. Depending upon the outcome of the aforesaid exercise, if the respondent-Corporation finds that the construction will have to be demolished, let necessary action in accordance with law be taken within a period of four months thereafter.
5. The petitioner thereafter shall be at liberty to approach the Special Task Force if he has any further grievance.
6. The petition stands disposed of accordingly.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 11, 2024/P