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

+ **W.P.(C) 11288/2024 & CM APPL. 46726/2024**

SANJAY YADAV

.....Petitioner

Through: Mr. Ramneek Mishra and Mr.
Rupinder Pal Singh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Ajjay Aroraa and Mr. Kapail
Dutta, Advs. for MCD.
SI Naveen Yadav, PS: NFC.
Mr. Abhinav Singh and Mr. Praveen
Kaushik, Advs. for R-2.
Mr. Puneet Sharma, Mr. Pranav Rishi
and Mr. Gaurav Mishra, Advs. for R-
3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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11.09.2024

1. The petitioner in the instant petition has prayed for the following reliefs:-

“a) Pass appropriate Writ, directions, or order in the nature writ of mandamus thereby directing the respondent no.1 and respondent no.2 to immediately take appropriate steps in accordance with law i.e. Delhi Municipal Corporation Act, 1957 to stop and demolish the illegal and unauthorized construction work being carried out by the respondent no. 3 and to prevent further unauthorized construction by the respondent no. 3 at property bearing Plot no. 27 & 27A, Gali No.15, Bharat Nagar, New Friends Colony, New Delhi -110025 by putting seal on the property.”



2. Learned counsel appearing for the respondent-Corporation asserts that the status report dated 07.09.2023 has been filed; however, the same is not on record.

3. Learned counsel appearing of the respondent-Corporation is directed to ensure that the same is placed on record before the next date of hearing.

4. A copy thereof has been handed over during the course of hearing.

Paragraph Nos.2 to 6 of the same read as under:-

“2. That the cause of litigation on the part of petitioner relates to unauthorized construction at Property No. 27, Bharat Nagar, Friends colony, New Delhi.

3. That so as to ascertain the status of the subject property the area field staff of Building Department-1, Central Zone of MCD has inspected the same and also referred to record maintain in this office. The status of the actions as initiated/ taken are detailed herein below:-

*i) **Demolition proceedings u/s 343/344 of the DMC Act-** As per record, demolition proceedings against the unauthorized construction at subject property i.e. Ground Floor to Fifth Floor stand initiated u/s 343/344 of the DMC vide U/c file No. 22/B/UC/EE(B)-I/CNZ/2024 dated 15.01.2024, 342/B/UC/EE(B)-I/CNZ/2024 dated 22.05.2024 and 422/B/UC/EE(B)-I/CNZ/2024 dated 19.07.2024. After following due process of law demolition order was passed on 25.01.2024, 04.06.2024 and 30.07.2024, respectively. Copies of demolition order dated 25.01.2024, 04.06.2024 and 30.07.2024 are annexed herewith as Annexure: **A-I (Colly)**.*

*ii) **Work Stop Notice u/s 344(2) of the DMC Act-** To prevent further unauthorized construction, the answering respondent issued work stop notices on 17/01/2024 and 24.05.2024 to SHO/ PS-New Friends Colony for getting the construction work stopped, to seize the building material, tools and plant and to disperse the workforce from construction site. Copies of work stop notices as sent are annexed herewith as **Annexure: A-2 (Colly)**.*

*iii) **Letter for disconnection of electricity & water supply:-** The answering respondent vide letter dated 24.05.2024 also referred the case to Delhi Jal Board and BSES Rajdhani Power Limited for disconnection of Water and Electricity of the subject property. The office of Sub-Registrar was also requested for not registering the said property. Copy of the letter sent to*



BSES, DJB and Sub-Registrar is annexed herewith as **Annexure-A-3.**

iv) Sealing proceedings u/s 345-A of the DMC Act:- Sealing proceeding u/s 345-A of the DMC Act was also initiated against subject property and after following due process of law sealing order also stand passed on 16.02.2024 and 12.07.2024.. Copies of sealing order dated 16.02.2024 and 12.07.2024 are annexed herewith as Annexure: A-4 (Colly).

4. That, pursuant to demolition/ sealing order already stand passed, the answering respondent has taken following actions:-

S.No.	Date	Action Taken
1.	22.04.2024	During said program, answering respondent cut down RCC roof of first floor (two panels).
2.	14.08.2024	During the action, upon availability of Police Force 03 number of were demolished at fourth floor and 03 number of panels were demolished at fifth floor. Total 06 number of RCC panels were demolished and reinforcement bars have been cut down with the help of gas cutter. After demolition, property was sealed completely at main entry gate at ground floor.
3.	17.08.2024	During the action, upon availability of Police Force, 02 RCC panels at Ground Floor roof, 02 RCC panels at First Floor roof, 01 RCC panel at Second Floor roof and 01 RCC panel at projection of Ground Floor slab were demolished and their reinforcement were cut with the help of gas cutter.
4.	20/08/2024	During these programs, fifth



	to 24/08/2024, 27/08/2024 to 29/08/2024 and 02.09.2024 to 06.09.2024	<i>floor has been demolished completely and more than 90% of the structure of fourth has been demolished.</i> <i>During aforesaid actions, entire property has been made uninhabitable. After demolition remaining structure of the property has been sealed at Ground Floor.</i>
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*Photographs showing the aforesaid actions as taken by the department are annexed herewith as Annexure: **A-5 (Colly)***

*4. That, pursuant to aforesaid demolition actions, letters dated 25.04.2024, 20.08.2024 and 30.08.2024 have been sent to the SHO, PS New Friends Colony with the request to keep strict vigil over subject property, so that Owner/ Builder of the property may not be able to restore the demolished structures. Copies of watch & ward letters dated 25.04.2024, 20.08.2024 and 30.08.2024 are annexed herewith as Annexure: **A-6. (Colly)***

5. That, it is pertinent to mention that subject property is abutting along a narrow lane, which does not allow access to JCB or poclain. The entire demolition actions, as stated above, have been carried out with manual tools and plant, which takes time to demolish the unauthorized structure.

6. That further action against subject property has been planned for 25.09.2024 and the same shall be taken upon availability of Police Force.”

5. It is seen from the photographs and various documents enclosed along with the status report that substantial demolition has taken place.
6. The respondent-Corporation has also undertaken to carry out further demolition on 25.09.2024, as stated in paragraph No.6 of the status report.
7. The respondent-Corporation is bound by the same. Let the concerned SHO to extend full cooperation to the respondent-Corporation.



8. The Court further grants liberty to the petitioner to approach the Special Task Force in case, the respondent-Corporation is unable to take the issue to its logical end within a period of four weeks from today.
9. The petition stands disposed of.
10. All rights of the private respondents stand reserved.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 11, 2024/P