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

+ **W.P.(C) 11471/2024**

IKRAMUDDIN

.....Petitioner

Through: Mr. Sandeep Singhal and Mr. Vineet
Nagur, Advs.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Siddhant Nath, SC with Mr.
Bhavishya Makhija, Adv. for MCD.
Mr. J. P. Singh, Ms. Sonia
Mendiratta, Mr. Shivendu and Mr.
Md. Rehman, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **18.09.2024**

1. The status report dated 14.09.2024 has been placed on record by the respondent-Corporation and the following position has been taken:-

"2. That the instant report / affidavit is being filed pursuant to order dated 20.08.2024 of this Hon'ble Court.

3. That so as to ascertain the status of the property in question i.e. bearing Khasra No. 78, Plot No. 160- 161, Village Khirki, Post of Malviya Nagar, New Delhi, the area field staff of Building Department-I of South Zone / MCD have inspected the same and also referred to the record available in this regard.

On inspection and referring to the record, the status of the subject property as noticed is entailed herein below:-

i) As per record, the subject property identified as property bearing No. 97, Khirki Village, Malviya Nagar, New Delhi which is already stands booked for unauthorized construction vide U/c file No. 37/UC/B-I/SZ/2024 dated 28/02/2024 in the shape of Ground floor, First floor,



raising of columns for Second Floor and further U/c of Second floor (Added at the time of passing of demolition order / notice) and further booked vide U/c file No. 73/B-I/UC/SZ/2024 dated 19/04/2024 in the shape of Third floor (in continuation of U/c file No. 37/UC/B- I/SZ/2024 dated 28/02/2024), for taking the necessary demolition action u/s 343/344 of DMC Act. Upon following the due process of law, the necessary demolition orders also stands passed by the competent authority i.e. AE (Bldg) -1 of South Zone-MCD vide dated 11/03/2024 and 30/04/2024 respectively. The copy of the demolition orders are annexed herewith as **Annexure-A (Colly)**.

ii) Furthermore, letters dated 14/03/2024 and 02/05/2024 u/s 344 (2) of the DMC Act, have also been sent to SHO, PS Malviya Nagar, New Delhi with the request that the unauthorized construction in respect of the subject property be stopped immediately and workmen present at site/property be removed and construction material including the tools, machinery, etc. be seized. Copy of letters as sent in this regard are annexed herewith as **Annexure-B (Colly)**.

iii) Besides this, letters for disconnection of Water and Electricity from the aforesaid property have also been sent to the concerned authorities vide dated 14/03/2024 and 02/05/2024. Copy of the said letters are also annexed as **Annexure-C (Colly)**.

iv) Moreover, letters dated 14/03/2024 and 02/05/2024, have also been sent to the Sub- Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letters are annexed herewith as **Annexure-D (Colly)**.

v) Apart from this, Prosecution action u/s 466-A of DMC Act-1957 has also been initiated and a complaint dated 07/05/2024 has also been sent to concerned, SHO PS Malviya Nagar, New Delhi. Copy of the said complaint is also annexed herewith as **Annexure-E**.

vi) Further it is also relevant to point out that in respect of the subject property, the necessary sealing proceedings u/s 345-A of DMC Act, has also been initiated and upon following due process of law, the necessary sealing order also stands passed by Competent Authority i.e. Deputy Commissioner of South Zone / MCD, vide dated 21/08/2024. Copy of sealing order is also annexed herewith as **Annexure-F**.

4. That it is also pointed out here that, pursuant to aforesaid demolition /sealing orders already passed in respect of the subject property, the Building Department-I of South Zone - MCD has also tried / taken carried out the necessary demolition action as per details given herein below:-



<i>S.No.</i>	<i>Date of Action</i>	<i>Action Taken</i>
1.	26/03/2024	Action could not be taken due to non availability of police force.
2.	10/04/2024 & 22/04/2024	Action could not be taken due to shortage of time.
3.	26/04/2024, 10/05/2024	Action could not be taken due to non availability of police force.
4.	14/05/2024	During the course of action, the details of action taken as follows: a. Demolished and cut 02 RCC panels on roof slab of Third floor. b. Demolished work & brick rooms (constructed in the shape of Fourth floor). c. Dismembered door / window frame of Fourth floor. d. Demolished 01 RCC column totally raised on roof of Third floor.



5.	25/06/2024	Upon availability of police force, L Shaped room constructed on Ground floor/Parking is totally demolished.
6.	27/06/2024	Action could not be taken due to non availability of police force.
7.	02/07/2024 & 08/07/2024	Action could not be taken due to shortage of time.
8.	11/07/2024	Upon availability of police force, 02 RCC panels demolished / cut down in the roof of Third floor.
9.	05/08/2024, 07/08/2024 & 12/08/2024	Action could not be taken due to shortage of time.
10.	16/08/2024	Upon availability of police force, 03 RCC panels on front I projection of building have been demolished at roof slab of Third floor. Beside this, 01 small RCC panel has been demolished at Third floor.
11.	30/08/2024	Upon availability



		<i>of police force, 01 RCC panel has been demolished on roof slab of Third floor. Beside this brick work walls also demolished on roof slab of Third floor.</i>
12.	04/09/2024	<i>Action could not be taken due to shortage of time.</i>

*Photographs pertaining the aforementioned demolition action along with copy of no force letters are annexed herewith as **Annexure -G (Colly).***

*5. That after taking the aforesaid demolition / sealing action, letters dated 15/05/2024, 25/06/2024, 16/08/2024 and 02/09/2024 have also been sent to SHO, concerned, PS Hauz Khas, New Delhi with the request to direct the patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored / repaired and the seals affixed by the department may not be tampered with. Copy of the said letters are also annexed herewith as **Annexure -H (Colly).***

That the department has now fixed the further necessary action programme in respect of the subject property for 26/09/2024 which will be taken carried out upon availability of police force.”

13. The respondent-Corporation is directed to strictly abide by the stand taken in the status report. Let all necessary steps be taken in accordance with law.
14. The petitioner shall be at liberty to approach the Special Task Force in case he is of the opinion that the respondent-Corporation has not taken the action in accordance with law, or the action taken is incomplete.
15. If the petitioner does so, his complaint shall be considered in accordance with law.



16. All rights and contentions of the private respondents stand reserved to be adjudicated before an appropriate Court or Tribunal.
17. In view of the aforesaid, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 18, 2024/p