



\$~73

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

+ **W.P.(C) 11673/2024**

MAHESH AWANA

.....Petitioner

Through: Mr. Surender Mishra, Adv.

versus

COMMISSIONER ,MCD AND ORS

.....Respondents

Through: Mr. Siddhant Nath, SC with Mr.
Bhavishya Makhija, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

18.09.2024

1. Learned counsel appearing for the respondent-Corporation appears to have filed a status report dated 17.09.2024. However, the same is not placed in the digital record of the Court.
2. Let the same be placed in our digital record. Paragraph nos.2 and 3 of the status report read as under:-

“2. That cause of litigation on the part of petitioner pertains to unauthorized construction, which is stated to have been carried out on the land of Khasra No. 191/192/195 situated at village Mithapur Extension, Sindhu Farm Road, Gali No.2-A-Block, Mithapur Extension. Dehi-110044.

3. That it is most respectfully submitted that answering respondent is not custodian of land record. Therefore, it is not feasible to identify the particular, when the same are not demarcated at site. In this regard, absolute reliance is made upon local enquiry. The subordinate official of deponent carried out inspection of Sindhu Farm Road, Gali No.2-A-Block, Mithapur Extension. Delhi-110044. The inspection revealed a piece of land approximately 1000 square yard in size. On the said piece of land,



*unauthorized construction in the shape of ground and first floor came to the notice on area approximately 50 square yard. Photograph showing the existing status of the structures is annexed herewith as **Annexure-A-1**. The demolition proceedings u/s 343/344 of the DMC Act 1957 has been initiated vide File No. 217/B/UC/EE(B)-II/CNZ/2024 dated 13/09/2024 and a show cause notice bearing printed No.14434 dated 13/09/2024 has been issued. Copy of show cause notice dated 13/09/2024 is annexed herewith as **Annexure-A-2**. Further action is under contemplation as per provisions of DMC Act. The answering respondent shall plan action as soon as concluded and order passed. demolition proceedings are concluded and order passed.”*

3. It is, thus, seen that the Khasra No. 191/192/195 situated at village Mithapur Extension, Sindhu Farm Road, Gali No.2-A-Block, Mithapur Extension, Delhi-110044 is unidentifiable. On verification, the respondents have found some other piece of land, which according to them, was found to be unauthorisedly constructed. The respondents stated that they have already taken necessary action.
4. The Court, therefore, directs the respondent-Corporation to continue the legal action as stated in paragraph no.3 of the status report and to take the same to its logical end.
5. The petitioner, however, shall be at liberty to file a proper representation before the Special Task Force along with necessary documents, with clear details as to which property the petitioner claims is to have been unauthorisedly constructed.
6. With the aforesaid observations, the petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 18, 2024/p