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

+ W.P.(C) 12349/2024, CM APPL. 51360/2024

DAN SINGH

.....Petitioner

Through: Mr. Dilip Kumar, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondent

Through: Mr. Manoj Kumar Tyagi, SPC Mr.
Shekar Tyagi, Mr. Nitin Tomar, Advs.
Ms. Neha Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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11.09.2024

1. Learned counsel appearing on behalf of the Corporation is directed to place on the digital record the copy of the status report. The same has also been handed over across the bar during the course of hearing.

2. Paragraph no. 3 to 4 of the said status report reads as under:-

“3. That so as to ascertain the status of the subject property i.e. bearing No. 278, Wireless Colony, New Mangla Puri, Mandi Road, New Delhi, the same has been got inspected through area field staff of Building Department-II of South Zone / MCD and also referred to the record available with the department.

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

i) *It is submitted that during Special demolition drive of the area in question on 05/09/2024, the demolition squad / area field staff of Building Department-II of South Zone / MCD noticed the ongoing construction activity in the shape of Ground floor and raising columns & Brick wall at First floor without obtaining any permission / Sanction Building Plan*



from the answering Respondent - MCD. Hence, noticing the same, the ongoing construction activity of the alleged unauthorized construction has been got stopped and Ground floor has been partly demolished at its initial / ongoing stage with the assistance of police force. The photographs taken during the aforesaid drive / action are annexed herewith as Annexure A (Colly).

- ii) Beside this, the subject property has been booked for unauthorized construction vide U/c File No. 364/UC/B-II/SZ/2024 dated 05/09/2024 in the shape of Ground floor including partly demolished portion and further raising columns and Brick Wall at First floor, for taking further necessary demolition action u/s 343/344 of DMC Act - 1957. The Show Cause Notice vide serial bearing No. 11447 dated 05/09/2024 has also been issued / served upon the owner / occupier of the subject property with the direction that the alleged unauthorized construction be stopped immediately and to submit reply within 03 days, as to why orders of demolition as required u/s 343 of DMC Act should not be passed in respect of the unauthorized construction already carried out and the unauthorized construction, if any, carried out after the issue of Show Cause Notice. The Copy of Show Cause Notice dated 22/04/2024 is annexed herewith as Annexure -B.
- iii) Furthermore, it is also submitted that after taking the aforesaid demolition action, a letter dated 06/09/2024 has also been sent to concerned, SHO PS Mehrauli, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored / repaired. Copy of the said letter is also annexed herewith as Annexure -C.
- iv) Moreover, a letter dated 06/09/2024 and u/s 344 (2) of the DMC Act, has been also sent to SHO, PS. Mehrauli, New Delhi with the request that the unauthorized construction be stopped and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of the said letter is annexed herewith as Annexure -D.
- v) Besides this, a letter dated 06/09/2024 for disconnection of electricity and water supply from the aforesaid property has also been sent to the concerned authorities. Copy of the said letter is annexed herewith as Annexure -E.
- vi) Apart from this, a letter dated 06/09/2024 has also been sent to the Sub-Registrar with the request not to register this property under Indian Registration Act, 1908. Copy of the said letter is also annexed as Annexure -F.]



vii) *Further it is also relevant to point out that in respect of this property, the necessary sealing proceedings u/s 345-A of DMC Act, 1957 has also been initiated.*

4. That further action in respect of the subject property will be taken / carried out in due course of time, by following due process of law.”

3. The status report clearly indicates that the unauthorised construction was booked on 05.09.2024 in the shape of ground floor including a partly demolished portion and further raised brick wall and columns at first floor. As per the status report, the Corporation has directed the concerned SHO vide letter dated 06.09.2024 to keep on patrolling and to keep strict a *watch and ward* over the subject property, so that the demolished portion may not be restored/repared. Further steps have also been stated to have been taken by the Corporation, as indicated in the status report. The Corporation is bound by the same and is further directed to ensure that the issue of unauthorised construction is taken to its logical end.

4. The petitioner at this stage seeks liberty to withdraw the instant writ petition.

5. In view of the aforesaid, the petition stands disposed of as withdrawn. However, the Corporation shall continue to take necessary action in accordance with law.

6. Accordingly, the petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 11, 2024/KG