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

+ **W.P.(C) 275/2024**

MURARI LAL BANSAL

.....Petitioner

Through: **Mr. O. P. Gupta, Adv.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: **Mr. Ashutosh Gupta, Adv. for MCD.
Mr. Mohd. Irsad, ASC, GNCTD with
Ms. Nasreen and Mr. Kunal Raj,
Advs. for R-2.**

**Ms. Sakshi popli, Mr. Divya prakash
Pande, Advs. for DPCC.**

**Mr. Navlendu Kumar and Mr.
Anupam Kumar, Advs. for R-4.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINdra KUMAR KAURAV

ORDER

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11.09.2024

1. Learned counsel appearing for the respondent-Corporation submits that the status report has been filed. However, the same is not on record.
2. Learned counsel appearing for the respondent-Corporation is directed to ensure that the status report is placed on record before the next date of hearing.
3. A copy, thereof, has been handed over across the board during the course of hearing and the same is perused.
4. A copy, thereof, has also been supplied to learned counsel appearing for the petitioner and the private respondents.



5. The latest status report dated 10.09.2024 reads as under:

“2. That the property bearing no. WZ-21, Manohar Park, Rohtak Road, New Delhi-110026 is the subject matter in present petition. As per record, Shri Rohit Jain and Shri Mohit Jain had given intimation/obtained SBP under Saral Scheme UBBL-2016 online vide ID No. 10108470 dt. 14.11.2022 through the registered Architect/Engineer / Supervisor for construction of stilt, ground floor, first floor, second floor and third floor over a plot area of 121.237 Sqm with permissible FAR @ of 300 and ground coverage @ 75% respectively.

3. That the owner/builder/ Shri Rohit Jain and Shri Mohit Jain carried out the unauthorized construction in the property in the shape of deviation/excess coverage against Sanction Building Plan vide ID No. 10108470 dated 14.11.2022 at stilt, ground floor, first floor, second floor and third floor. Therefore, action against the said unauthorized construction had been initiated u/s 344 (1) & 343 of the DMC Act vide file no. 07/C- 89/B/UC/KBZ/24 dated 08.01.2024 and a show cause notice issued to Sh. Rohit Jain and Sh. Mohit Jain.

4. That an order of demolition u/s 343 of the DMC Act, 1957 vide no. D/AE(B)/KBZ/2024/1499 dated 11.07.2024 has been passed directing the owner/occupier/builder/ Sh. Rohit Jain and Sh. Mohit Jain to demolish the unauthorized construction in the shape of deviation/excess coverage against Sanction Building Plan vide ID No. 10108470 dated 14.11.2022 at stilt, ground floor, first floor, second floor and third floor.

5. That a demolition programme was fixed on 02.08.2024 and demolition action against the unauthorized construction existing in the property was taken with the help of Police Force P.S. Punjabi Bagh and demolished the stilt floor projection and ground floor projection in front site and further cutting of reinforcement with the gas cutter.

6. That further demolition programme was fixed on 28.08.2024 and demolition action taken in the shape of demolishing Cantilever slab/chajja/projection of Stilt Floor roof on backside of the property. Further reinforcement had been cut using gas cutter.

7. That further demolition programme was fixed on 06.09.2024 and demolition action taken in the shape of demolishing Cantilever slab/Chajja at First Floor roof & Second Floor roof in front side and demolishing Cantilever slab/Chajja of Ground floor roof, First Floor roof and Second Floor roof in backside and also cutting reinforcement bars by gas cutter. During action walls at Cantelever slab/Chajja of Ground Floor, First Floor, Second Floor and Third Floor were also demolished at backside. Further action shall be taken in due course of time. The photographs taken



*during demolition action dated 28.08.2024 & 06.09.2024 are annexed herewith as **Annexure-A** (colly)."*

6. It is thus seen that the photographs which have been enclosed along with the status report would indicate that a partial demolition action has already been undertaken and as per paragraph no.7 of the status report, further action is scheduled to be taken in due course of time.

7. The Court, at this stage, only directs the respondent-Corporation to take the issue to its logical conclusion within a period of four months from today.

8. In event the grievance of the petitioner remains unaddressed, the petitioner shall be at liberty to agitate the same before the Special Task Force [**"STF"**].

9. With regard to representation already made by learned counsel appearing for the private respondents, let the respondent-Corporation to also deal with the same.

10. If the private respondents, thereafter, have any grievance against the action, he shall be at liberty to take necessary recourse in accordance with law.

11. With the aforesaid observations, the petition, at this stage, stands disposed of.

PURUSHAINDR KUMAR KAURAV, J
SEPTEMBER 11, 2024/p