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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10446/2018 & CM APPL. 40745/2018, CM APPL.
9332/2019, CM APPL. 2517/2024

REKHA BANSAL Petitioner
Through: Mr. Mukesh Anand, Advocate
(M:9810001582)
versus

DELHI DEVELOPMENT AUTHORITY AND ORS.... Respondents
Through: Mr. Sumit Chander, Mr. Gurdeep
Chauhan, Advocates for R-1/DDA
(M:8595468935)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
10.05.2024

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1. The present petition has been filed seeking directions to the Delhi Development Authority (“DDA”) to take action against the illegal and unauthorized construction in the property of respondent no.2, being Flat No. 774, Pocket-3, Sector-19, Dwarka, New Delhi.
2. Learned counsel for DDA submits that requisite action against the unauthorized construction, in the property in question, has already been taken.
3. Learned counsel draws the attention of this Court to the Status Report filed on behalf of the DDA, relevant portion of which, reads as under:

“xxx xxx xxx

3. That in term of the order dated 27.02.2020, the demolition-cum-sealing program for said flats was fixed for 25.07.2023 vide letter No. F6(4)AE(QRT)/DMD-7//23 -34/201 dated 11.07.2023 and following action were taken:



i. In flat No. 774: Extended Chajja of 1st floor 4 terrace of Flat No. 774 has been damaged and sealed.

ii. In flat No. 773: Extended Chajja of 1st floor & terrace of flat was to be sealed but owner / occupant of the flat denied entry in flat even after multiple requests by DDA & Police Staff.

Copy of the Demolition Diary along with letter no. F6(4)AE(QRT)/DMD-7//23 34/201 dated 11.07.2023 is annexed hereto as ANNEXURE-A (Colly.)

xxx xxx xxx”

4. This Court also takes note of the affidavit/undertaking that has been filed on behalf of the respondent no.2, i.e., owner of the aforesaid flat, that he will remove the unauthorized construction existing in the flat in question. The affidavit dated 26th July, 2023 filed by owner of the flat in question, is reproduced hereunder:

“AFFIDAVIT

I, NIGAM PARKASH KAREER S/O SH. RAM PARKASH KAREER R/O 774, SEC-19, PKT-3, DWARKA, AKSHARDHAM APARTMENT, NEW DELHI-110075, do hereby solemnly affirm and declare as under:-

- 1. That I am citizen of India.*
- 2. That DDA has sealed balconies of above mentioned property, on 25/07/2023.*
- 3. My neighbor Rekha Bansal residing at H.No.-733, Akshardham Apartment, Pkt-3, Sec-19 Dwarka, New Delhi-110075 can damage the seals. She will be responsible if that happens.*
- 4. I undertake that I will remove the extended portion of balconies beyond permissible limit (900mm).*
- 5. Competent authority (DDA) hereby requested to deseal the above mentioned property.*
- 6. DDA is also requested to intervene for fixing the main outside gate.*
- 7. That if any information or submission including the statement in the*



affidavit is found to be false or incomplete now or at any stage, I am liable for prosecution under the relevant law.

8. That it is my true statement to the best of my knowledge.”

5. This Court notes that though the aforesaid affidavit/undertaking had been filed by the respondent no.2- owner of the flat in question before the DDA, in which the respondent no. 2 had undertaken to remove the unauthorized construction, however, the DDA itself has proceeded to take action against the unauthorized construction existing in the property in question.

6. Learned counsel appearing for the DDA submits that in case there is any other unauthorized construction, which is noticed in the flat in question, requisite action shall be taken in accordance with law.

7. This Court notes that after the concerned action, the flat in question has been sealed by the DDA on 25th July, 2023 and that the said flat, continues to lie sealed since then.

8. Accordingly, since the requisite action has already been taken by the DDA and the DDA, if need be, has undertaken to take further action, in case of any further unauthorized construction is found, it is directed that the flat in question, i.e., Flat No. 774, Pocket-3, Sector-19, Dwarka, New Delhi, shall be de-sealed by the DDA forthwith, in accordance with law.

9. Further, directions are also issued to respondent no.2 to ensure that no further unauthorized construction is carried out in the flat in question.

10. The respondent no.2- owner of the flat in question is held bound to not undertake any further unauthorized construction in the flat in question. Further, the DDA is also held bound to keep a strict vigil and ensure that in case any further unauthorized construction is noticed in the said flat, the



same shall be removed forthwith.

11. It is further directed that after de-sealing of the aforesaid flat in question, in case there is any further unauthorized construction, the same shall be removed forthwith by respondent no.2. If the needful is not done by respondent no.2, the DDA would be at liberty to take further action in accordance with law.

12. With the aforesaid directions, the present petition is disposed of, along with pending applications.

13. Accordingly, the next date of hearing of 18th September, 2024 stands cancelled.

MAY 10, 2024
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MINI PUSHKARNA, J