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

+ **CONT.CAS(C) 791/2018**

**SOUTH PATEL NAGAR (9 BLOCK) & RANJIT NAGAR
RESIDENTS WELFARE ASSOCIATION (REGD) Petitioner**

Through: None.

versus

MADHUP VYAS (COMMISSIONER) & ORS. Respondents

Through: Ms. Monika Arora and Mr.
Subhrodeep, Advocates.

Email: officeadvmonika@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

14.05.2024

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1. The present contempt petition has been filed alleging non-compliance of the statement given by the respondent no. 1, as recorded in the order dated 31st May, 2018 in *W.P.(C) No. 4754/2018*.
2. The aforesaid writ petition had been filed with respect to the unauthorized construction existing at plot no. 3351 and 3400, Ranjit Nagar, Opposite 9 Block, South Patel Nagar, New Delhi-110008.
3. None appears for the petitioner-association when the matter is called out.
4. Learned counsel appearing for the respondent-Municipal Corporation of Delhi ("MCD"), has drawn the attention of this Court to the Status Report filed on behalf of MCD, wherein, it has been stated as follows:

"xxx xxx xxx

3. Action had been initiated u/s 343 & 344 of the DMC Act, 1957 in



respect of Property No. 3351, Ranjeet Nagar, New Delhi in the shape of deviation /excess coverage against the SBP ID No. 10044286 at stilt floor, ground floor, first floor, second floor and third floor vide No. B/UC/KBZ/18/137 dated 18.04.2018. The demolition order in respect of the aforesaid unauthorized construction in respect of property No. 3351, Ranjeet Nagar, New Delhi had been passed vide No. B/UC/KBZ/18/137 dated 25.04.2018.

4. That action had also been initiated for sealing action against u/s 345A of the DMC Act vide no. D/EE(B)/KBZ/18/505 dt. 31.07.2018. The sealing order had been passed vide no. S/B/KBZ/2019/15 on 10.09.2018.

5. That demolition action had been taken on 16.07.2018 wherein, two panels of slab at the roof of third floor and reinforcement had been cut. Sealing action was taken on 25.03.2019 wherein, the right side portion at ground floor the balcony at one point and toilet at one point; at first floor the balcony at one point and toilet at one point; at second floor the balcony at one point and toilet at one point; at third floor the balcony at one point and toilet at one point had been sealed. It is further submitted that in the action in the left side portion, at ground floor the balcony at one point, at first floor the balcony at one point and toilet at one point, at second floor the balcony at one point and toilet at one point, at third floor the balcony at one point and toilet at one point had been sealed.

6. That property had been inspected by the area JE(B) on 24.03.2023. It has been reported that the seals put by the Corporation have been tampered. Vacation Notice u/s 349 of the DMC Act has been sent to the owner/occupier and a copy has been endorsed to the SHO P.S. Ranjit Nagar, New Delhi. The property shall be resealed at the points where tampering has been found.

xxx xxx xxx”

5. Perusal of the aforesaid Status Report shows that action has already been taken by the MCD *qua* the unauthorized construction existing in the property in question.
6. This Court also records the statement made by learned counsel for the MCD that the property in question is lying sealed since 25th March, 2019.
7. Considering the aforesaid, no further orders are required to be passed in the present petition.



8. In case the petitioner-association has any other grievance with respect to the unauthorized construction in the aforesaid property, the petitioner-association is at liberty to approach the MCD in this regard. If no action is taken by the MCD upon the representation of the petitioner-association, liberty is granted to the petitioner to revive the present petition, in case there is any further instance of any unauthorized construction in the property in question.

9. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MAY 14, 2024

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