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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9333/2017 and CM APPLs.49351/2018, 53544/2018

ROHTAS SINGHAL

..... Petitioner

Through: None.

versus

DISTRICT MAGISTRATE, (SOUTH) & ORS

..... Respondents

Through: Mr. Lalitaksh Joshi, Adv. for R-1/GNCTD.

Mr. Sanjeev Sabharwal, SC for MCD along with Ms. Shweta Singh, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

27.05.2024

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1. None appears for the petitioner.
2. The present petition has been filed by the petitioner seeking that the respondent no.2/MCD be directed to stop the unauthorized construction at Devli Village, Ward No.76, South Delhi Municipal Corporation.
3. A status report has been filed on behalf of the MCD, wherein, the status of the action taken in respect of the various land tracts forming part of the property in question has been placed on record. The said status report reads as under :-

“3. That pursuant to demolition / sealing order already passed in respect of the subject referred properties, the Building Department-II of South Zone / MCD further tried / taken / carried out necessary demolition / sealing action. The property wise status is entailed herein below:

A. Property bearing Khasra No.613, Holi Chowk, Devli Village, New Delhi. (owner Mr. Babu Lal and ManoojBhardwaj / Sh. Arun Dev builder)

i. As per record, in the petition bearing CM (M) No.287/2020 titled as “Neelam Pathak & Ors. VS South Delhi Municipal Corporation of Delhi” the Hon’ble High Court, vide its Judgment dated 17/08/2023, taking into the



consideration of the appeal bearing No.80/2020 titled as “Aruna VS SDMC”, has been pleased to disposed-of the said CM(M) Petition with the following main directions:

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5. Accordingly, with the consent of the parties, the present petition is disposed of with the following directions:

- i. The parties shall remain present before the Appellate Tribunal on 21/08/2023 and co-operate with the Appellate Tribunal in expeditious disposal of the appeal.
- ii. The Appellate Tribunal is requested to hear and dispose of the appeal preferably within a period of three (3) month from 21/08/2023.
- iii. The parties are directed to ensure that they do not seek any adjournment and are duly represented by their counsel at each date of hearing before the Appellate Tribunal.

6. The interim order dated 02/03/2020 passed by this Court shall continue until the final disposal of the appeal.

7. The respondent, MCD will file an affidavit enclosing the services of demolition order on Mr. Vipin Gupta, the petitioner No.12 herein i.e. Mr. Kavita Gupta on before 21/08/2023 before the Appellate Court.

8. It is made clear that this Court is not examined the merits of the matter pending before the ATMCD and the same will be decided by the Tribunal in accordance with the law.

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

10. Pending Applications, if any, stands disposed of.

The downloaded copy of the aforesaid Judgment dated 17/08/2023 is annexed herewith as **Annexure-A**.

ii. Further it is submitted that the above referred appeal bearing No.80/ATMCD/2020 is now listed on 01/12/2023.

B. Property bearing Khasra No.675, Holi Chowk, Devi Village, New Delhi (Occupation in Mr. Bhagwat Sharma)

i. As per record, it is submitted that on being aggrieved with the actions as taken / carried by the department, the owner / occupier of this property had preferred an Appeal bearing No.479/ATMCD/2023 titled as “**Abhilash Kumar VS Municipal Corporation of Delhi**”. However, vide order dated 14/08/2023 of this Hon’ble Tribunal/MCD, the said appeal has been dismissed as withdrawn with the liberty to file separate appeals against



demolition as well as sealing orders passed by the department in respect of this property.

ii. Further, the owners / occupiers of their respective floors of this property have filed 06 separate appeals bearing No.605/2023, 609/2023, 610/2023, 615/2023, 616/2023 and 617/2023 and the said appeals are now listed on 23/11/2023 before the Hon'ble Appellate Tribunal/MCD.

C. Property bearing Khasra No.610, Devli Village, adjoining 609, Devli Village, New Delhi.

- As per record, the department had fixed the further demolition/sealing action in respect of this property for 28/07/2023 and 09/10/2023, however, the same could not be materialized due to shortage of time as the action was taken on another property.

D. Property bearing Khasra No.499, Durga Vihar, Devli Village, New Delhi.

S. No.	Date of Action	Action taken
1	28/07/2023	Action could not be taken due to shortage of time as the action was taken on another property.
2	09/10/2023	Upon availability of police force, during the action, 01 flat at Second floor, 01 flat at Third floor and entrance leading to roof of the building at 01 point have been sealed.

The photographs taken during the aforementioned sealing action are annexed herewith as **Annexure-B (Colly.)**.

4. That now the department has fixed the further action in respect of the subject referred properties for 05/12/2023 which will be taken / carried out, upon availability of police force, under consideration of GRAP restrictions.”

4. Although, the action scheduled on 05.12.2023 due to non-availability of police force, learned counsel for the MCD submits that requisite action, in accordance with law, shall be expeditiously taken to remove the subsisting unauthorized construction in property bearing Khasra No.610, as also property bearing Khasra No.499.



5. He further submits that vigil shall be maintained in the area to ensure that no new unauthorized construction is raised. The said statement is taken on record.
6. In view of the aforesaid, no further orders are required to be passed in the present petition; accordingly the same, along with pending application/s, is disposed of.
7. The concerned SHO/Neb Sarai is directed to render all requisite assistance for the purpose of the action proposed to be taken by the MCD in the area in question.
8. In case, there is any deficiency in the action taken by MCD, the petitioner shall be at liberty to avail appropriate remedies in accordance with law.

SACHIN DATTA, J

MAY 27, 2024/r