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

+ **W.P.(C) 10041/2020 & CM APPL. 31973/2020**

SMT. SUSHMA BHAMBRIPetitioner

Through: **Mr. Praveen Suri, Advocate.**

versus

THE COMMISSIONER, NDMC AND ORS.Respondents

Through: **Mr. Siddhant Nath, Standing Counsel**
with **Mr. Bhavishya Makhija and Mr. Amaan Khan, Advocates for MCD.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **18.02.2025**

1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“a. Issue appropriate directions or writ in the form of certiorari or any other appropriate writ whereby the respondents nos. 1 & 4 be called upon to produce the record of property bearing no. M-212, Shastri Nagar, Delhi-110052 ad-measuring 50 sq.yds in response to notice dated 10.07.2020 filed by the petitioner, respondent no. 6 and other persons.

b. Issue a further writ of certiorari or any other appropriate writ against the respondents no. 1 to 4 in respect of order dated 07.10.2020 passed by respondent no. 4 vide reference no. D/EE(B)-I/CSPZ/2020/502 as illegal and without any basis and non exercise of the powers vested in it in respect of property bearing no. M-212, Shastri Nagar, Delhi - 110052 ad-measuring 50 sq. yds.

c. Issue a further writ of mandamus thereby directing the Respondent no. 1 to 4 to decide the petitioner's representation thereby treating the earlier writ petition bearing no. 3774/2020 apropos the right of any person to construct anything on the property bearing no. M-212, Shastri Nagar, Delhi- 110052 admeasuring 50 sq. yds by calling all the parties who have claimed rights in the aforesaid plot of land in view of order dated 29.06.2020 passed in the said writ petition.



d. Cost of the present proceedings may be awarded in favour of the petitioner.”

2. Learned counsel for the MCD submits that status report has been filed, however, the same is not on record. Another copy of the status report is handed over in Court and is taken on record.

3. It is stated in the status report that building plan of the subject property bearing No. M-212, Shastri Nagar, Delhi was sanctioned by the concerned department vide letter dated 16.06.2017 and was valid for 5 years. Inspection of the subject property was conducted on 26.06.2018 and it was found that there were some variations/deviations and excess coverage against the Sanctioned Building Plan, covering the open space/set back and projections on municipal land from stilt to third floor and hence the property was booked under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 (DMC Act) on 26.06.2018. A show cause notice dated 26.06.2018 was issued to Neha Vershney/owner/builder of the subject property to show cause why demolition order be not passed in respect of the deviations/excess coverage in the subject property. After following due process of law, demolition order was passed on 11.07.2018 and in execution thereof, demolition programme was scheduled for 03.08.2018 wherein 01 slab of a room in front set back was demolished at second floor as also on the third floor. Remaining floors were occupied and reinforcements were cut with the help of gas cutter. Further programme was fixed for 07.08.2018 but could not be executed due to shortage of time. It is further stated in the report that recently another inspection of the subject property has been carried out on 13.02.2025 and it was found that the entire existing structure has been self-demolished by the owner/occupier and no fresh which was in



deviation or excess coverage has been demolished by the owner/occupier himself and no fresh construction is ongoing. No building material was found at the site and photographs taken during the inspection are appended with the status report.

4. In light of the status report filed by MCD, wherein a categorical stand is taken that the unauthorised structure/deviations have been demolished by the owner/occupier of the subject property and no fresh construction is ongoing, no further order is required to be passed at this stage in this writ petition and the same is accordingly disposed of along with pending application.

5. Needless to state that in case of any further grievance, Petitioner will be at liberty to take recourse to legal remedies.

JYOTI SINGH, J

FEBRUARY 18, 2025/shivam