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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 15332/2022 and CM APPL. 47610/2022 (Interim Inj.)
BRAHMPAL Petitioner

Through: None

versus

THE MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondents

Through: Mr. Shivashish Gunwal, Standing
Counsel for MCD with Mr. Ashish Choudhary,
Advocate
Mr. Santosh Kr. Tripathi, Standing Counsel with
Mr. Arun Panwar, Advocates for respondent No.2
Counsel for respondent No.3 appearance not given

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **09.05.2023**

1. Present none for the petitioner.
2. Learned counsel for respondent No.3 submits that respondent No.3 is no longer the owner of the subject property and the same is now owned by *Yateesh and Laxmi Narayan*.
3. The Status Report stated to have been filed is not on record. A copy of the Status Report has been handed over in Court today which is taken on record. The same reads as under:-

“3. That cause of contention on the part of petitioner pertains to unauthorized construction at subject property bearing No. RZ-A-59, Gali No. 13 (Corner Plot), Pul Prahladpur, New Delhi.

4. That it is respectfully submitted that as per record,



subordinate official of deponent noticed unauthorized construction at subject property on 01/11/2022 in the shape of Stilt and Ground Floor. The answering respondent initiated demolition proceedings u/s 343/344 of the DMC Act 1957 against said unauthorized construction vide File No. 578/B/UC/EE(B)- II/CNZ/2022 dated 01/11/2022. The competent authority after following due process of law passed demolition order. Copy of demolition order dated 18/11/2022 is annexed herewith as **Annexure-A**.

5. That to prevent further unauthorized construction, the answering respondent issued Work Stop Notice bearing No. D/337/AE(B)-III/Central Zone/2022 dated 07/11/2022 to SHO/PS-Pul Prehladpur for getting the constriction work stopped, to seize the tools and plant and to disperse the workforce engaged in construction activity. Copy of work stop notice dated 07/11/2022 is annexed herewith as **Annexure-B**.

6. That answering respondent vide letter No.D/338/AE(B)-III/Central Zone/2022 dated 07/11/2022 referred the case to Delhi Jal Board and concerned Electricity Supply Company for disconnection of Water and Electricity connection of the subject property. The office of Sub-Registrar was also requested for not registering the writ property. Copy of said letter is annexed herewith as **Annexure-C**.

That on 05/02/2023, the answering respondent executed demolition order. During said program, the answering respondent cut down four panels of RCC roof of ground Door and also demolished two columns and brick walls. Since then the structure of subject property has been lying in same condition. Photographs showing the present status of subject property are annexed herewith as **Annexure-D**. Pursuant to said demolition action, the answering respondent issued letter bearing No. D/103/AE(B)-III/CNZ/2023 dated 10/01/2023 to SHO/PS-Pul Prehladpur for watch and ward on the subject property so that owner may not able to restore the demolished portions. Copy of the watch & ward letter is annexed herewith



as **Annexure-E.**

7. That further demolition action will be carried out on 19/05/2023 subject to availability of police force.”

4. In view of the above, the present petition is disposed of alongwith the pending application with a direction that needful action be taken expeditiously preferably within a period of two months from today after duly serving the owner/occupier of the subject property.

5. The concerned A.E. (Building) shall ensure that the requisite action is taken in entirety in a time bound manner.

6. Needless to state that the owner/occupier of the subject property shall be at liberty to seek remedy as may be available under law.

MANOJ KUMAR OHRI, J

MAY 9, 2023

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