

(2018) 02 DEL CK 0432

In the Delhi High Court

Case No : Civil Writ Petition No. 10051 Of 2017

Universal Human Rights Commission

APPELLANT

Vs

Commissioner-MCD And Ors

RESPONDENT

Date of Decision : 19-02-2018

Acts Referred:

Delhi Municipal Corporation Act, 1957 — Section 344(1)

Citation : (2018) 02 DEL CK 0432

Hon'ble Judges : Gita Mittal, J;C.Hari Shankar, J

Bench : Division Bench

Advocate : Ashish Aggarwal, Kapil Dutta, Ajjay Aroraa, Prabhsahay Kaur

Final Decision : Disposed Of

Judgement

Gita Mittal, J

1. This writ petition pertains to an order of demolition dated 15thth January, 2016 passed by the South Delhi Municipal Corporation in respect of the property admeasuring approximately 300 yds. adjoining the Yadav Complex, School Road, Khanpur Village, Khanpur, New Delhi within the jurisdiction of PS Neb Sarai, New Delhi in respect of unauthorized construction allegedly raised by respondent no.7/Sh.Ram Singh/Billu Choudhary.
2. This demolition order was issued after the Corporation had issued a notice under Section 344(1) of the Delhi Municipal Corporation Act, 1957 dated 23rd December, 2015.
3. In this background, the writ petitioner sought issuance of a writ of mandamus to the respondents to execute the said demolition order.
4. The South Delhi Municipal Corporation has filed a status report dated 2nd January, 2018 submitting that Sh. Ram Singh the owner/occupier has

assailed the action taken and the orders passed by the South Delhi Municipal Corporation by way of appeal bearing no. 1000/2017, Ram Singh v.

SDMC before the Appellate Tribunal, MCD. It appears that no order of stay was granted by the ATMCD in favour of this builder, against the orders,

which order has been assailed by way of an appeal bearing no. CIS-MCD Appeal No.06/2017 before the District & Sessions Judge, Saket, New

Delhi and an interim stay has been granted. The last date of hearing in this case, as per the status report, was the 25th January of 2018. The South

Delhi Municipal Corporation has expressed inability to execute the order of demolition in view of these legal proceedings.

5. Clearly, further action in the matter has to abide by the outcome of the proceedings initiated by the owner/occupier. The SDMC shall ensure that all steps in accordance with law are taken.

This writ petition is disposed of with the above direction.

6. It shall be open for this writ petitioner to make an appropriate application to bring on record such facts, as are relevant and deemed necessary by it,

in the pending legal proceedings. As and when such application is filed, orders shall be passed thereon in accordance with law. We make it clear that

we have not expressed any opinion on the merits of the case.

Dasti to parties.