

Bhagwant Goel vs South Delhi Municipal Corporation Of ... on 13 April, 2023

Author: Manoj Kumar Ohri

Bench: Manoj Kumar Ohri

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 10617/2021, CM APPL. 32738/2021

BHAGWANT GOEL

Through:

Mr. Ankur Chawla,
and Mr. Gaurav Sha

versus

SOUTH DELHI MUNICIPAL CORPORATION OF DELHI &
ORS.

..... Resp

Through: Mr. Ajay Digpaul, Ms. Swati
and Mr. Kamal Digpaul, Adv
for MCD/respondent No.1.
Mr. Rishikesh Kumar, ASC w
Aditya Raj, Ms. Sheenu Pri
Sudhir Kumar Shukl
Muhammad Zaid and Mr. Sumi
Choudhary, Advocates for r
No.2.
Ms. Vrinda Awasthi, Advoca
behalf of Ms. Sangeeta Bha
Standing Counsel for respo
No.4.
Mr. Sunil Fernandes and Ms
Priyansha Sharma, Advocate
BSES.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
ORDER

% 13.04.2023

1. Mr. Ajay Digpaul, learned Standing Counsel for respondent No.1 has handed over a copy of Status Report which is taken on record. Relevant extracts of the same are reproduced as under :-

"3. That on 14/09/2022 upon availability of police force, the Building Department-II of South Zone 1 MCD has taken the Digitally Signed By:NIJAMUDEEN ANSARI
Signing Date:18.04.2023 11:17:09 necessary action pursuant to the demolition/sealing orders passed as per the following details:

Sl No.	Property No.	Action Taken
1.	2, Maruti Competent Ward No.8, 895-C, Mehrauli (Sr No. 2 of the chart already filed)	01 RCC roof panel was demolished at Fourth floor also cut down the reinforce bars with the help of gas After demolition action se stairs of Second floor, en Third floor and Fourth flo Ground floor to Second flo found residentially occupi
2.	9, 10, 21 and 22, Maruti Competent Ward No.8, 895-C, Mehrauli (Sr. No. 5 of the chart already filed)	After de-sealing 01 panel Fourth floor demolished an reinforcement bars also cu down. The property also re sealed after the demolitio action.
3.	30, Maruti Competent Ward No.8, 895-C, Mehrauli (Sr. No. 10 of the chart already filed)	Property re-sealed entirel putting seal at Stilt at 0
4.	25 and 26, Maruti Competent Ward No. 8, 895-C, Mehrauli (Sr. No. 9 of the chart already filed)	During the action property sealed at Staircase of Gro floor to Second floor. Ent First floor to Fourth floo sealed.
5.	23, Maruti Competent Ward No. 8, 895-C, Mehrauli (Sr. No. 8 of the chart already filed)	Property entirely re- seal Ground floor at 01 point.

Digitally Signed
By:NIJAMUDEEN ANSARI
Signing Date:18.04.2023
11:17:09

Photographs taken during the aforementioned demolition/ sealing action are annexed herewith as Annexure-A (Colly).

4. That simultaneously after taking the aforesaid demolition/sealing action, the necessary letters dated 14/09/2022 have also been sent to concerned SHO PS Mehrauli with the request to direct the concerned patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be repaired/re- constructed/ restored and the seals affixed by the department may not

be tampered with. Copy of the letter as sent in this regard is also annexed herewith as Annexure-B (Colly).

5. That it is also relevant to state here that the Delhi Development Authority (DDA), upon noticing that Government /DDA land of village Ladha Sarai falling in various Khasra Numbers are encroached upon by the unauthorized occupants and the said land is part of Mehrauli Archeological Park, has also initiated the necessary removal action against all the unauthorized encroachment from the land in question by issuing a demolition order dated 12/1212022. The copy of the said demolition order is annexed herewith as Annexure-C.

6. That it is pointed out that the subject properties are also falling/situated in the above said Government/DDA land as referred in the aforesaid demolition order.

7. That pursuant to the aforementioned order as issued by DDA, it has also undertaken part demolition drive in the area and on being aggrieved of the same, the local residents have also preferred various Writ Petitions seeking therein quashing of the demolition notice of DDA and also to restrain the DDA from carrying out any demolition with regard to the properties. In the said Writ Petition the answering respondent

- MCD have also been arrayed as one of the respondent but no relief has been sought from it. The Hon'ble High Court, while considering the said Writ Petitions have also passed the interim directions to DDA to maintain 'status quo' with respect Digitally Signed By:NIJAMUDDEEN ANSARI Signing Date:18.04.2023 11:17:09 to subject properties in each of the Writ Petitions. The said Writ Petitions are pending disposal before this Hon'ble High Court and are now listed on 26/0412023. The copy of some of the orders as passed by this Hon'ble Court regarding the same are annexed herewith as Annexure-D (Colly)."

2. Mr. Ankur Chawla, learned counsel for the petitioner, on instructions, submits that the petitioner is satisfied with the action taken by the respondent No.1 and seeks leave to withdraw the present petition.

3. Leave, as prayed for, is granted and the petition is dismissed as withdrawn. Miscellaneous application is disposed of as infructuous.

MANOJ KUMAR OHRI, J APRIL 13, 2023 ga Digitally Signed By:NIJAMUDDEEN ANSARI Signing Date:18.04.2023 11:17:09