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

% Judgment delivered on: 09th March, 2022

+ **W.P.(C) 12376/2021**

VINEETA SINGH VERMA

..... Petitioner

versus

SDMC & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Pratyush Sharma, Advocate.

For the Respondents: Mr. Rakesh Mittal, Standing Counsel with Ms. Yamini Mittal and Mr. Ajay Harshana, Advocates for SDMC/ R-1
Ms. Archana Sahadeva, Advocate for R-2

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

CM APPL. 11854/2022

Issue notice. Notice is accepted by learned counsel appearing for the parties. For the reasons stated in the application, the application is allowed. Petition is taken up today for consideration. The next date 23.03.2022 is cancelled.

W.P.(C) 12376/2021

1. Petitioner seeks a direction against the respondent-Corporation

to demolish the alleged unauthorized structure raised by respondent no. 2 and 3 in respect of the first floor Flat No. 6/6213, Sector-C, Vasant Kunj, New Delhi and Flat No. C-6215, Sector-C, Pocket-VI, Vasant Kunj, New Delhi.

2. Learned counsel appearing for the respondent-Corporation submits that the construction is unauthorized, same has been booked and even a demolition order passed.

3. Learned counsel further submits that a regularization application was filed by respondent no. 2, however the same has already been rejected.

4. He submits that the same has been rejected on the ground that the major portion of the unauthorized construction is not regularizable as per the building bye-laws.

5. Learned counsel submits that the remedy of the respondent no. 2 and 3 if any, against the action taken by the Corporation, is before the Appellate Tribunal-MCD.

6. Learned counsel submits that the demolition action has been proposed for 14th and 15th March, 2022 against the unauthorized construction carried out by respondent no. 2 and 3.

7. Learned counsel appearing for respondent no. 3 submits that

said respondents are in Canada and they are likely to come to India on 14.03.2022.

8. Learned counsel appearing for respondent no. 2 prays that the demolition action be deferred for a period of 10 days to enable the said respondents to approach the Appellate Tribunal-MCD against the order of demolition and also the order of rejection for regularization application.

9. Learned counsel submits that the application for regularization has been wrongly rejected and further the construction is protection under the Delhi Laws (Special Provisions) Act, 2006. This is disputed by learned counsel appearing for the petitioner.

10. Keeping in view the fact that the respondent-Corporation has already initiated action against the unauthorized construction, this petition is disposed of with liberty to respondent no. 2 and 3 to approach the AT-MCD in accordance with law.

11. It is directed that the Corporation shall defer the demolition action for a period of two weeks from today to enable the respondent no. 2 and 3 to avail of their remedy before AT-MCD.

12. It is clarified that this protection shall be available to the said respondents for a period of two weeks or listing of the appeal

whichever is earlier. Continuation of interim protection thereafter shall be subject to the orders to be passed by the AT-MCD.

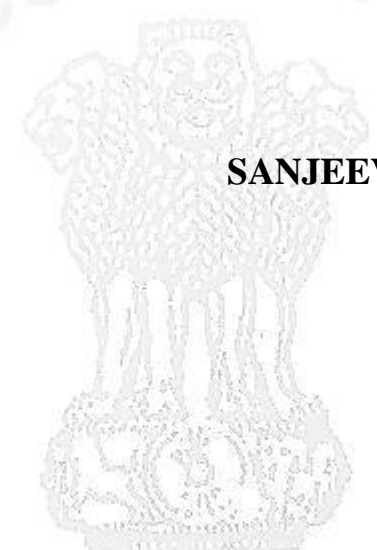
13. It is further clarified that AT-MCD shall consider the appeal, if any, filed in accordance with law without being influenced by anything stated in this order.

14. The petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

MARCH 9, 2022

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