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

+ **W.P.(C) 10175/2017 & CM APPL. 41534-41535/2017**

**JANGPURA BHOGAL SC/ST RESIDENTIAL WELFARE
ASSOCIATION**

..... Petitioner

Through **Mr. Amar Nath Saini and Mr. Navin
Kumar Jha, Advs.**

versus

**THE COMMISSIONER, SOUTH DELHI MUNICIPAL
CORPORATION AND ORS.**

..... Respondents

Through **Mr. Puneet Garg, Adv. for SDMC/R1.
Mr. Devvrat, Adv. for SHO/R-2.**

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% 17.11.2017

Instant petition is filed alleging unauthorized construction in plot no. 30 and plot no. 4749, Khasra no. 865/352, Bhogal Road, Bhogal, New Delhi. Prayer made in the petition is, as follows :

“(a) Issue an appropriate writ, order or direction especially in the nature of Mandamus/Certiorari, directing the respondents no. 1 & 2 to stop the illegal constructions booked by the South Delhi Municipal Corporation, Building Department Central : One : Lajpat Nagar vide Unauthorized Construction File No. 485/B/UC/EE(B)-1/CNZ/17 dated 08.08.2017 in respect of Plot No. 30 & Plot No. 4749, Khasra No. 865/552, Bhogal Road, Bhogal New Delhi -110014; and

(b) To demolition of illegal and Unauthorized structures

at Plot No. 30 & Plot No. 4749, Khasra No. 865/352, Bhogal Road, Bhogal, New Delhi-110014; and

(c) To direct to maintain the “Status Quo” with respect to illegal constructions at Plot no. 30 & Plot No. 4749, Khasra No. 865/352, Bhogal Road, Bhogal, New Delhi -110014.

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.....”

A bare reading of the prayer sought would show that it is not in the nature of seeking issuance of Writ contemplated under Article 226 of the Constitution of India. During the course of hearing, Id. Counsel for the respondent no.1 submits that the allegations of unauthorized construction are in relation to two plots, which are abutting each other and that, though, the owner/builder has got the building plan sanctioned in relation to plot no. 4749, there is no building plan sanctioned in relation to plot no.30 and that, for the unauthorized construction getting raised in plot no. 30 and the deviations carried out for the unauthorized construction in plot no. 4749, the action is being taken. He also states that a demolition order has since come to be passed and the demolition is scheduled for 27.11.2017. Interestingly, it surfaces that the petitioner is a society of SC/ST residents. Is it, this petitioner society of a particular class of persons only concerned about the alleged unauthorized construction in the locality? It does not appear to be so, inasmuch as, during the course of hearing, on being queried, Id. Counsel for the petitioner submits that this is the first sole petition filed by the petitioner in relation to unauthorized construction in the locality. How come, such a purported vigilant society did not notice any unauthorized

construction in the locality or near around? It is a matter of common knowledge that unauthorized constructions are getting raised unabatedly across Delhi, but, the petitioner has chosen to file instant petition only in relation to the subject property. Be that as it may, the Commissioner, South Delhi Municipal Corporation is directed to look into the allegations of unauthorized constructions made in the petition and take the requisite steps immediately to stop and/or demolish unauthorized constructions, as early as possible, preferably within six weeks from today. Petition and the pending application stand disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 17, 2017

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