



THE COURT OF SMT. ANJU MANGLA: SUB-DIVISIONAL MAGISTRATE (RAJOURI GARDEN)
GOVERNMENT OF NCT OF DELHI
ROOM NO. 10: OLD MIDDLE SCHOOL BUILDING: RAMPURA: DELHI - 110035

Case No. 365

Under Section: 133 Cr.P.C.

Avtar Singh, Raj kumar, Rajesh Kumar Complainant

Versus

Owner/Occupier
H.No. A-1, Mandir Wali Khui, First Floor .
Adjacent to Surya Mandir, Ramesh Nagar, New Delhi Respondents

ORDER

Whereas a complaint has been received vide dy no. RG/13635 dated 26/11/2011 from Sh. Avtar Singh Raj kumar, Rajesh Kumar Residents of J-Block, Mandir Wali Khui, Ramesh Nagar, New Delhi vide their letter dated 04/11/2011 that an unauthorized construction at H.No. A-1, Mandir Wali Khui, first floor . Adjacent to Surya Mandir, Ramesh Nagar, New Delhi is being carried out by you without obtaining any sanction/permission for the said activity from the Competent Authority.

And whereas a Preliminary Order dated 14/12/2011 was issued by this court directing to appear before on 29/12/2011, but none appeared nor any written submission filed on behalf of respondent. another notice was issued to appear on 14/02/2012, but none appeared on this date also.

Kanungo. Sub-Division (Rajouri Garden) reported that ground and first floor has been recently constructed for which no buiding plan is given by the occupant.

Under the provision of Section 133 Cr.P.C. (1)(d)- any building tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighborhood or passing by, and in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree is necessary.


As per above discussion, I am satisfied that the order issued on 14/12/2011 U/S 133 Cr.P.C. (ii) requiring respondent or owner/management to completely demolish the unauthorized structure at H.No. A-1, Mandir Wali Khui, First Floor . Adjacent to Surya Mandir, Ramesh Nagar, New Delhi is proper and reasonable. This order is made absolute on the above mentioned ground.

Executive Engineer (Building) shall issue necessary direction to concerned AE and JE (Building) to book the property and take appropriate action (demolish/sealing of property) under the provision of Municipal Act and submit a report.

Given under my hand and seal on this 3rd Day of April, 2012.


File be consigned to record room.

Owner/Occupier
H.No. A-1, Mandir Wali Khui, First Floor .
Adjacent to Surya Mandir, Ramesh Nagar, New Delhi


(ANJU MANGLA)
Sub-Div. Magistrate (Rajouri Garden)
Convener/Chairperson of STF

Copy for necessary action and compliance to:-

1. Dy. Commissioner (West), MCD, Rajouri Garden, New Delhi,
2. ACP (Rajouri Garden/Tilak Nagar).
3. Sh. V.S Yadav, AC (West), MCD Vishal Enclave, Rajouri Garden, ND.
4. SHO (Kirti Nagar)
5. Asstt. Programmer Officer, Distt. West with the direction to upload the same on the website of DC(West), Govt. of NCT of Delhi.


(ANJU MANGLA)
Sub-Div. Magistrate (Rajouri Garden)
Convener/Chairperson of STF