



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. 386

Under Section: 133 Cr.P.C.

Rupchand Sharma

.....Complainant

Versus

Owner/Occupier

H.No-17/130 Subhash Nagar, New Delhi.

... Respondent

ORDER

Whereas a complaint has been received vide dy. No. RG/14324 dated 19/12/2011 from Sh. Rupchand Sharma, 7-Block, Subhash Nagar, New Delhi that an unauthorized construction at H.No-17/130 Subhash Nagar, New Delhi, is being carried out by you without obtaining any sanction/permission for the said activity from the Competent Authority.

And whereas in pursuance of Conditional Order dated 11/01/2012, Sh. Kanwar Bhan appeared and filed photographs, building plan of the building which apparently shows some variations in the shape of extended balconies at back and height of the building.

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 04/10/2011 U/S 133 Cr.P.C. (ii) requiring respondent or owner/management to completely demolish the unauthorized structure at H.No-17/130 Subhash Nagar, New Delhi, in the shape of extended balconies at back and height of the building or whatever deviation found by MCD as against the sanctioned building plan, is proper and reasonable. This order is made absolute on the above mentioned ground.

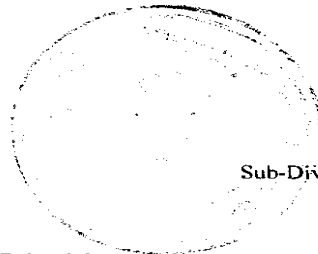
Executive Engineer (Building) shall issue necessary direction to concerned AE and JE (Building) to book the property and take appropriate action (demolish/sealing of property) under the provision of Municipal Act and submit a report in r/o deviations found in r/o aforesaid property.

Given under my hand and seal on this 7th Day of February, 2012.

File be consigned to record room.

Owner

H.No-17/130 Subhash 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 (Rajouri Garden)
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