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

+ W.P.(C) 2612/2017 & CM No.9699/2018

KUSUM SEHGAL

..... Petitioner

Through : Mr. M. Qayam-ud-din, Adv.  
Mr. Anil Aggarwal, *amicus curiae*.  
Mr. Rajiv Kumar Yadav,  
Adv. as Local  
Commissioner.

versus

THE NORTH ZONE MUNICIPAL  
CORPORATION & ORS

..... Respondents

Through : Mr. Ajjay Aroraa, Standing  
Counsel for NDMC.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

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**13.03.2018**

**CM No.9699/2018**

1. Issue notice.
2. Mr. Ajjay Aroraa, Standing Counsel accepts notice on behalf of the North Delhi Municipal Corporation.
3. Having regard to the nature of the application, no reply is necessary and counsels are orally heard.
4. This application seeks impleadment of the Shahjahanabad Redevelopment Corporation, a company incorporated under Section 25 of the Companies Act, for the reason that this

corporation has notified 1321 properties in Delhi as heritage sites which fall within the jurisdiction of the North Delhi Municipal Corporation as well as the South Delhi Municipal Corporation.

5. Given the contention in the writ petition that several properties, wherein illegal and unauthorized construction and alteration have been effected, have been notified as heritage properties, we are of the view that this corporation is a necessary and proper party for the purposes of adjudication of the subject matter of the writ petition.

6. In view of the above, we direct impleadment of this corporation as party respondent no.9. Let amended memo of parties be filed within three days from today.

7. This application is allowed in the above terms.

**W.P.(C)No.2612/2017**

1. Subject to the petitioner taking steps, issue notice for the service of the newly added respondent no.9, returnable on 4<sup>th</sup> April, 2018 when a similar matter being W.P.(C)No.11443/2017 is listed.

2. Status reports filed by the North Delhi Municipal Corporation disclose that huge illegal and unauthorized constructions have been raised with impunity by the persons, which has necessitated massive demolition actions to bring them to the ground. This demolition has been necessitated at a huge expense to the public exchequer. Such constructions have taken place right under the nose of the officers of the municipal corporation, who

have failed to prevent the same or to take any action against it till such time when this court intervened in the matter.

3. Such gross dereliction of duty by the officers concerned necessitates strict action for the failure to perform their statutory functions and public law obligations. The Commissioner of the North Delhi Municipal Corporation shall examine the matter and ensure that appropriate proceedings are drawn up and action is taken against the officers responsible for the unauthorized constructions. A status report in this regard shall be placed before us within two weeks from today.

4. The North Delhi Municipal Corporation shall also place a report with regard to the expenses entailed in the demolition action.

5. The North Delhi Municipal Corporation shall also place on record the status of the property no.590-591, Kucha Pati Ram, Sita Ram Bazar, Delhi-110006.

6. The fees of the Local Commissioner has to be fixed, which shall be done on the next date of hearing.

*Dasti* under signatures of the Court Master.

**ACTING CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**MARCH 13, 2018**

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