The Times of India□□□□□□□□ 04.05.2017□□□

Court slams civic bodies for cosmetic demolition in Delhi

NEW DELHI: Cosmetic demolition by civic bodies came under the scrutiny of the Delhi high court on Wednesday which blamed the lack of transparency in the agencies for rampant unauthorised construction all over the city.

"In the municipal corporations, entire proceedings from inspection of reports, issuance of show-cause notices, orders passed in hearings, demolition and sealing orders etc are kept under cover of great secrecy," a bench of acting Chief Justice Gita Mittal and Justice Anu Malhotra said.

The court was shocked that more floors had been added to a building in northeast Delhi's Shahdara that was slated for demolition. It emphasised that citizens have the right to be aware of how corporations deal with their property.

"Looking from any angle, the matter of processing of application for sanction of building plans; regularisation and also putting the proceedings initiated by the building department under the Delhi Municipal Corporation Act deserves to be immediately put in public domain," the court

observed.

It also directed the East Delhi Municipal Corporation (EDMC) to answer why digitised record of entire action relating to such work "should not be posted on the website maintained by municipal authorities, of course with appropriate safeguards."

The high court said that EDMC should also explore if it can forward such information to concerned government departments including DJB, discoms and sub registrar of documents.

The court noted that due to lack of regulatory mechanism and opaque decision making by civic bodies , public has no access to information about their own property.

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While hearing a petition highlighting illegal construction, the court decided to delve deeper and examine why "only after a petition in the nature of a PIL is brought, that the municipal authorities wake up to their statutory duties and law obligations."

The bench observed how "paper documentation in the nature of show-cause notice, demolition and sealing orders are being passed to create a facade of non-compliance, where under the shield of other documentations, rampant illegal and unauthorised construction is permitted to be continued."

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It asked the EDMC commissioner to file an affidavit explaining how more floors were added to the building in Shahdara without any action by the municipal corporations.

When the civic bodies claimed that police force is often not available, the court decided to test their claims and directed the concerned joint commissioner of police to place before it, details of any requests received from the EDMC to assist it in execution of demolition action.