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

Date of decision: 5th December, 2019

+ W.P.(C) 10597/2018

PANCHSHILA CO-OPERATIVE HOUSE BUILDING
SOCIETY LTD.

..... Petitioner

Through: Mr. Ashim Shridhar and
Ms. Niyati Patwardhan, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Sriharsha Peechara, Standing
Counsel-South Delhi Municipal Corporation
with Ms. Kriti Sinha, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
05.12.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 10597/2018

1. This writ petition has been preferred with the following prayers:

“(a) Issue a writ in the nature of mandamus or any other appropriate writ/order or direction in favour of the Petitioner directing Respondent No. 1 SDMC to take appropriate action against respondent no. 2, 3 and 4 under Para 15.9 and Para 15.11 of the MPD-2021 for

violations of Mixed Use Regulations given under Para 15 of MPD-2021 in the basement and third floor of property situated at Plot E-41, Panchsheel Park, Malviya Nagar, New Delhi-110017.

(b) Pass any other and further orders as the Hon'ble Court may deem fit under the facts and circumstances of the case in favour of the Petitioner and against the Respondents.”

2. It is alleged by the petitioner that the respondent nos. 2, 3 and 4 are using their property in violation of the Master Plan for Delhi-2021. It is submitted by learned counsel for the petitioner that suffice it will be for the disposal of this writ petition if a suitable direction is given to respondent no.1 (South Delhi Municipal Corporation) to initiate actions against respondent nos. 2, 3 and 4 for alleged breach of Master Plan for Delhi-2021.

3. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that South Delhi Municipal Corporation has already issued notices upon the concerned respondents for the alleged breach of Master Plan for Delhi-2021. We, therefore, expect from the respondent no.1 – South Delhi Municipal Corporation that they will initiate appropriate actions against the delinquent respondents, if there is any breach of Master Plan for Delhi-2021. The requisite actions will be initiated by the South Delhi Municipal Corporation in accordance with law, rules, regulations and Government policy applicable to the facts of the case and after giving an adequate opportunity of being heard to the owners/occupiers of the superstructure.

4. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 05, 2019/kr

