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

+ W.P.(C) 642/2024

LAL CHAND CHAPRANA

.....Petitioner

Through: Mr. Mohd. Absar Ahmad,
Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Pritish Sabharwal, Advocate
for MCD.
Mr. Adnan Siddiqui, Mr. Pranav
Swarup Pandey, Advocates for
applicant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.11.2024

1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of alleged illegal and unauthorised construction in property bearing Khasra No. 427/260, Khata No. 30, area, Village – Jogabai, Tehsil – Defence Colony, New Delhi [“subject property”].

2. The respondent – Municipal Corporation of Delhi [“MCD”] has filed status reports dated 25.04.2024 and 13.08.2024. In the status reports, MCD has stated that unauthorised construction was found in the subject property from the ground floor to the second floor, and columns and



walls have also been raised on the third floor. A demolition order was passed on 05.03.2024, following a work stop notice issued on 26.02.2024. In the later status report, it has been stated that sealing and demolition action has been taken on 10.08.2024 and a complaint has also been lodged in respect of tampering with the seals affixed by the department.

3. Mr. Mohd. Absar Ahmad, learned counsel for the petitioner, submits that construction has, in fact, been raised in the subject property up to the fifth floor.

4. In the meanwhile, one Ms. Jahan Aara claiming to be the owner of the property has filed two applications (under Diary No. 4946799/2024 and 4946779/2024) seeking impleadment and directions for de-sealing of the property. The Registry is directed to number the applications, which are taken on Board.

5. Having regard to the fact that MCD is already seized of the illegal construction in the subject property and has taken partial action, it is not necessary to keep the writ petition pending.

6. In order to protect the interests of the owners/occupants of the subject property, MCD is directed to serve copies of the sealing orders, demolition orders or any other applicable orders to learned counsel for the applicant (Ms. Jahan Aara) by tomorrow, so that the applicant can take her legal remedies in this regard.

7. As far as the petitioner's grievance with regard to further construction on the property is concerned, MCD is directed to inspect the property again within one week, and take further action in accordance with law, if any further construction is found to have taken place.

8. It is made clear that the aforesaid submissions are recorded without



prejudice to the rights and contentions of any owners/occupants of the subject property, whose statutory remedies are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

9. The writ petition, alongwith pending applications, is disposed of with these directions.

PRATEEK JALAN, J

NOVEMBER 4, 2024

“Bhupi”/