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

+ **W.P.(C) 2298/2023 & CM APPLs. 8748/2023, 31577/2024**

GUNPRIT SINGH AND ORS

.....Petitioners

Through: Mr. Naman Joshi, Mr. Guneet Singh
Sidhu and Mr. Aryan Verma, Advs.

Versus

MCD AND ORS

.....Respondents

Through: Mr. Ajjay Arora, Mr. Kapil Dutta,
Advs. for MCD
Mr. Manish Srivastava, Mr. Moksh
Arora and Mr. Santosh Ramdurg,
Advs. for BSES
Ms. Bihu Sharma and Ms. Khushboo
Hora, Advs. for Delhi Jal Board

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

10.09.2024

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1. In pursuance of the prayer made by the petitioner, the respondent-Corporation has taken necessary steps in accordance with law. As stated by the learned counsel appearing on behalf of the respondent-Corporation, the stay at the instance of the private respondent was granted by the Appellate Tribunal-Municipal Corporation of Delhi. However, the same has been vacated recently.

2. The Court takes note of the averments made in paragraph Nos. 2 to 4 of the Status Report filed by the respondent-Corporation which reads as under:-



“2. That the instant report / affidavit is being filed pursuant to order dated 22/02/2023 of this Hon'ble High Court.

3. That so as to ascertain the status of the subject property i.e. bearing No. 3-A, 4-A and 1-B, Adhchini, New Delhi, the same has been got inspected through area field staff of Building Department-I of South Zone / MCD and also referred to the record available with the department. On inspection and referring to the record, the status of the property as ascertained is detailed herein below:

i. The subject property has been identified as 2A, 3A, 4A & 1B, Adhchini Village, New Delhi by the area field staff.

ii. On inspection it has been noticed that by amalgamating the said plots / properties one building has been constructed consisting of Basement, Ground floor, First floor, Second floor, Third floor, Fourth (Part) floor and Fifth (Part) floor.

*iii. Since the said construction by way of amalgamation has been carried out without obtaining any permission / Sanction Building Plan from Answering Respondent - MCD, as per record, the same stands booked for unauthorized construction vide File No. 53/UC/B-I/S2/2023 dated 28/04/2023 in the shape of Basement, Ground floor, First floor, Second floor, Third floor, Fourth (Part) floor and Fifth (Part) floor & amalgamation of 2A, 3A, 4A & 1-B, property is old and occupied), for taking necessary demolition action, upon following due process of law, the mandatory Show Cause Notice u/s 343/344 of DMC Act, 1957 has been issued / served the owner / occupier. Copy of the Show Cause Notice is annexed herewith as **Annexure-A**.*

iv. In response to aforesaid Show Cause Notice dated 28/04/2023, on receiving the responses of respective owners / notice and considering their request, the opportunity of personal hearing is being granted, in the Interest of Justice, and the further hearing in the matter is now fixed for 02/08/2023.

4. That further action in respect of the subject property will be taken, upon concluding the hearing proceedings, as per law.”

3. In view of the aforesaid, the Court directs the respondent-Corporation to take the issue to its logical end, and in case the petitioner has any further grievance, he shall be at liberty to approach the Special Task Force



constituted in terms of the directions passed by the Supreme Court in W.P. (C) 4677/1985 titled as *M.C. Mehta v. Union of India*.

4. With the aforesaid liberty, the petition stands disposed of alongwith pending applications.

PURUSHAINDRA KUMAR KAURAV, J.

SEPTEMBER 10, 2024

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