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

+ W.P.(C) 2724/2022 & CM APPL. 7798/2022

LALIT KUMAR SHANDILYA

.....Petitioner

Through: Mr. Umesh Sharma, Mr. Monish Kumar Gaur & Mr. Ritesh Kumar Kaushik, Advocates. [M:- 9996927923]

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Jagrati Singh, SC for MCD with Mr. Praveen Kumar, Ms. Vani Sharma, Mr. Rajpal & Mr. Surender Kumar, Advocates for MCD.

Mr. Mukesh Goyal, Advocate for R-5.

Mr. Abhinav Singh & Mr. Praveen Kumar Kaushik, Advocates for Delhi Police.

SI Amit Dahiya, PS Nabi Karim.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.10.2024

1. The petitioner claims to be the owner of property bearing No. 8564-8566 Basti Arakshan Road, Paharganj, Delhi-110055. He has filed this writ petition contending that a building on the property is in a dilapidated condition and liable to be demolished. It is stated that some parts of the building were earlier rented out, but most of the tenants have either vacated or died, and that the respondent Nos. 4 to 6 are in illegal possession of the parts of the property.

2. There are also apparently civil proceedings pending, at the instance



of the occupants of the property, against the petitioner herein.

3. In the meanwhile, the Municipal Corporation of Delhi [“MCD”] has filed a status report dated 14.10.2024 in which it is stated that the subject property was found to be in dangerous condition and a notice for taking necessary repairs/strengthening was therefore issued under Section 348 of the Delhi Municipal Corporation Act, 1957 on 28.10.2021. In view of the fact that owners and occupiers failed to comply with it, a vacation notice was issued on 21.03.2023.

4. Mr. Mukesh Goyal, learned counsel for respondent No. 5 states that he has filed W.P.(C) 3949/2023 against the aforesaid notice, which remains pending in this Court.

5. In view of the fact that the relief sought by the writ petitioner, for action to be taken in respect of the dilapidated property, has been initiated by the MCD, no further orders are required in the present writ petition, which stands disposed of.

6. It is made clear that the MCD is directed to act strictly in accordance with law and after compliance of all statutory formalities *qua* owner/occupiers of the suit property, including respondent Nos. 4 to 6. The rights and contentions of the parties in the civil suit, and of respondent Nos. 4 to 6 in respect of any legal remedies which they may have against the action of MCD, are reserved.

7. The petition, alongwith the pending application, is disposed of with these observations.

PRATEEK JALAN, J

OCTOBER 16, 2024/‘pv’/