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

+ LPA 189/2024 & CM APPLs.13193-13197/2024

SUKHDAYAL GUPTA

..... Appellant

Through: Mr. Raghvendra Mohan Bajaj,
Mr. Kumar Karan, Mr. Shivansh
Dwivedi, Advocates

versus

**ANGEL BHARTI CHAUHAN, DY COMMISSIONER, SOUTH
ZONE & ORS.** Respondents

Through: Mr. Divyam Nandrajog and Ms.Surbhi
Soni, Advocate for GNCTD
Mr. Sanjeev Sabharwal, Adv. for
MCD

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

04.03.2024

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1. Present appeal has been filed by the Appellant challenging the order dated 13th April, 2023 passed by the learned Single Judge of this Court in W.P.(C) 3699/2019, whereby the Respondents were directed to take appropriate action against the alleged unauthorized construction.
2. Learned counsel for the Appellant states that the Appellant's wife is a bona-fide purchaser and neither he nor his wife was aware about the aforesaid proceedings and/or any allegation of illegal/unauthorised construction in the suit premises. He states that the properties in question



were bought by him way back in 2022.

3. He emphasises that the property bearing no. L-47A, DDA Janta Flats, Saket, New Delhi-110017 was purchased by the Appellant vide registered sale deed dated 15th February, 2022 and the property bearing no. L-47C was purchased vide General Power of Attorney dated 28th February, 2022 and Agreement to Sell and Purchase dated 28th February, 2022 from one Mrs. Ranjita Kanwar. He states that on 10th February, 2024, some officials of MCD along with police officials came to the subject properties and demolished parts of the subject properties. He further states that a demolition notice dated 12th February, 2024 was received by the Appellant only on 15th February, 2024. He also states that the Appellant came to know about the contempt proceedings and the proceedings in W.P.(C) 3669/2019 only at this stage and was, therefore, constrained to approach this Court through the present Letters Patent Appeal.

4. A perusal of the paper book reveals that during a routine inspection of the area/property in question on 3rd April, 2023, the seal affixed by the department on 5th January, 2023 was found to be tempered. Taking immediate cognizance of the same, not only a FIR was filed against the owner/occupier/offender but the property was also re-sealed. After taking resealing action, the vacation notice dated 5th April, 2023 was also issued and served upon the owner/occupier as well as endorsed to concerned SHO. Further on 10th April, 2023 and also on 11th April, 2023, partial demolition actions were undertaken. Consequently, for the appellant to contend that neither he nor his wife was aware about the illegal and unauthorized construction or about the sealing/demolition action is not correct.



5. Moreover, as the impugned order was passed as far back as on 13th April, 2023, this Court is of the view that the present appeal is barred by laches. Accordingly, the present appeal and pending applications being bereft of merit are dismissed both on merits as well as on laches.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 4, 2024
AS