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

+ W.P.(C) 5656/2022 & CM APPLs. 16840/2022, 24004/2022,
31764/2022, 30814/2024, 61292/2024

SHRI ARUN MOHANPetitioner

Through: Petitioner in person.

versus

SOUTH DELHI MUNICIPAL
CORPORATION & ANR.Respondents

Through: Mr.Ajjay Aroraa and Mr.Kapil
Dutta, Advocates for MCD
Ms.Geeta Luthra, Senior
Advocate Mr.Aadarsh Kothari,
Advocate for R-2
Mr.Vineet Dhanda, CGSC for R-4
Mr.Febin Mathew Varghese,
Mr.Dhiraj A. Philip and
Ms.Achalika Ahuja, Advocates
for R-5

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
22.10.2024

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1. The petitioner has approached this Court, under Article 226 of the
Constitution, for the following reliefs:

*“ (1) Issue any writ, order or direction in the nature of mandamus
thereby directing Rspdt-1 SDMC to take actions including demolition
and sealing action against the illegal and unauthorized construction
raised by Rspdt-2 Rajiv to Property No. 50 & 49 Sunder Nagar, New
Delhi and prosecution actions against the Rspdt-2 in a timebound
manner and take the same to logical conclusion;*

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(2) Issue any writ, order or direction in the nature of mandamus directing R-1 to take appropriate disciplinary actions against all concerned officers of Building Department of Central Zone of SDMC who turned blind eye to the unauthorized construction being raised at Property No.50 & 49 Sunder Nagar, New Delhi as well as prosecution action against Rspdt-2 Rajiv;

(3) Any other order or direction which this Hon'ble Court deem fit and proper may also be passed in favour of the Petitioner."

2. The petition has been pending for more than two years, but the present status is that the Municipal Corporation of Delhi has passed orders dated 24.07.2024 and 25.07.2024, revoking regularization plans which had been sanctioned in favour of respondent No.2. Resultantly, the position as of today is that, even according to the MCD, the construction of respondent No.2 on the subject property is illegal and unauthorized.

3. The relief sought in the writ petition, therefore, in my view, no longer survives. The MCD has taken action in respect of the construction by respondent No.2 on the subject property, and has passed orders. MCD has to take consequential action, pursuant to revocation of the regularisation plan. Mr. Ajjay Aroraa, learned counsel for the MCD, states that such action will be taken expeditiously, in accordance with law, after compliance of all statutory formalities.

4. Respondent No.2 has a remedy against the said order before the Appellate Tribunal MCD ["ATMCD"], and the MCD is directed to take such action, subject to any challenge to the revocation orders before the ATMCD. In order to enable respondent No.2 to take his remedies, the MCD is directed not take any coercive action for a period of three weeks from today.

5. Dr. Arun Mohan, the petitioner in person, however, submits that



the original process of regularization itself was contrary to law as the building has been constructed, for the first time in the year 2022, without any sanction whatsoever. In my view, this contention does not require adjudication in the present petition in view of the fact that the regularization plan has been revoked and it is MCD's case that, as contended by the petitioner, the construction is unauthorized.

6. The petition is, therefore, disposed of, without prejudice to the rights and contentions of respondent No.2 and the MCD in any proceedings, which may be filed by respondent No.2, pursuant to the revocation order dated 24.07.2024 and 25.07.2024. It is made clear that all rights and contentions of the parties are reserved in accordance with law.

7. The petition, alongwith pending applications, is disposed of.

PRATEEK JALAN, J

OCTOBER 22, 2024

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