



\$~39

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4987/2024**
SANJAY KUMAR Petitioner

Through: Mr. Himanshu Anand and Ms. Dharini
Windlass, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS..... Respondents

Through: Mr. Pritish Sabharwal, SC and
Mr. Sharad Pandey, Adv. for MCD.
Mr. Mohit Bhardwaj, Adv. for R-3.
Mr. Manu Sishodia and Ms. Hina
Rajput, Advs. for R-4 and 5 along with
respondents in person.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

%

28.05.2024

1. The present petition has been filed by the petitioner raising a grievance as regards the alleged illegal and unauthorized construction being raised in property bearing No.8750, Shidipura, Karol Bagh, New Delhi-110005.
2. Pursuant to the directions issued *vide* order dated 05.04.2024, a status report has been filed by the MCD in which it has been *inter-alia* stated as under:

“3. That the building plan of property bearing no. 8750, Sidhipura, Karol Bagh, New Delhi had been sanctioned vide file no. 10116430 dated 15.09.2023 in the name of Mr. Raman Kohli, Mr. Naveen Kumar, 87, third floor, West Permanand Colony, Mukharjee Nagar, New Delhi, 8737, East Park Road, Sidhipura, Karol Bagh, New Delhi with the attributes ground floor, first floor, second floor & third floor over a plot area 159.36 sqm with permissible ground coverage and FAR@75% and 300% respectively.

4. That the impugned property had been inspected by the area Junior Engineer(Bldg.) on 08.05.2024. The property comprises of ground floor, first floor, second floor and third floor. Shutters have been found to have been fixed at the ground floor presumably with the intention to use it for



commercial purposes. Finishing works were in progress at ground floor, first floor, second floor and third floor. Photographs are enclosed herewith for ready reference of this Hon'ble Court.

5. That the construction has been found to be in variance with the sanctioned plan. Therefore, action against the unauthorized construction in terms of deviation/excess coverage against sanctioned building plan bearing ID No.10116430 at ground floor, first floor, second floor, third floor along with projections on Govt. land. Further unauthorized construction in the shape of installation of multiple shutters at ground floor has been initiated u/s 344(1)& 343 of the DMC Act vide file no. 116/C-83/B/UC/KBZ/24 dated 08.05.2024. Reply from Sh. Raman Kohli and Sh. Naveen Kumar has been received on 13.05.2024 wherein, they have requested for personal hearing. Personal hearing, in the interest of natural justice, has been fixed for 30.05.2024. Further action shall be taken post consideration of the reply/submission made by the owner(s)/occupier(s) of the property.”

3. Learned counsel for the MCD states, on instructions, that the notice under Section 344(1) and 343 of the DMC Act issued on 08.05.2024 shall be adjudicated expeditiously and further action in accordance with law shall be taken to remove any subsisting unauthorized construction. It is further submitted that if any encroachment on the public land is found, action qua the same shall also be taken.

4. The aforesaid statement on behalf of the MCD is taken on record.

5. In view of the aforesaid, no further orders are required to be passed in the present petition. The same is accordingly, disposed of.

6. Needless to say, any action that is proposed to be taken by the MCD shall be subject to statutory/appellate remedies of the owner/occupier of the property in question. Equally, if there is any deficiency in the action taken by the MCD, the petitioner shall be entitled to avail appropriate remedies under law.

MAY 28, 2024/cl

SACHIN DATTA, J