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

+ **W.P.(C) 5092/2024 & CM APPL. 20904/2024**

SUNNY TANWAR

.....Petitioner

Through: Mr. S.S. Tripathy, Ms. Bharti
Pawar, Mr. G.S. Bagga & Mr.
Abhinav Chaudhary, Advocates.

versus

**MUNICIPAL CORPORATION
OF DELHI & ORS.**

.....Respondents

Through: Ms. Surbhi Soni, Mr. Fateh Singh
B., Advocates for Mr. Divyam
Nandrajog, Advocate for MCD/R-
1 & 2.
Mr. Harshal Arora & Mr. Kritik
Verma, Advocates for R-4/BSES.
Ms. Vidushi Gupta, Advocate for
R-5/DJB.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.10.2024

1. The petitioner has filed this petition, under Article 226 of the Constitution, for the following reliefs:-

“a) Issue a writ of mandamus directing the respondent nos.1 to 3 to demolish the unauthorized construction which is being carried out without any sanctioned plan at plot no. Plot no.2A, Khasra no.601, situated in the revenue estate of village Dera mandi, New Delhi-110074.

b) Direct respondent nos.1 to 3 to stay/stop the unauthorized construction which is being carried out by respondent no.6 & 9.

c) Direct the respondent nos.1 to 3 to fill/remove the



unauthorized and illegal basement in the property in question.

d) Costs of the petition may also be granted in favour of the petitioner and against the respondents.

e) Any other appropriate writ, order or direction which this Hon 'ble Court deems fit and proper in the facts and circumstances of the case may also be passed."

2. By the order dated 08.04.2024, it was recorded that the property in question had been booked for unauthorised construction and the Municipal Corporation of Delhi ["MCD"] was directed to inspect the property, to put an end to any ongoing construction and to file a status report. It was also stated by MCD that work-stop orders had been issued.

3. In the first status report filed by MCD on 17.05.2024, it was stated that the property was booked on 12.10.2023 and 21.02.2024. Demolition orders were passed on 23.10.2023 and 05.03.2024. By letters dated 27.10.2023 and 08.03.2024, the concerned Station House Officer was requested to stop unauthorised construction. Necessary communications for disconnection of electricity and water supply were also addressed to the utility service providers. A sealing order was also passed on 21.11.2023. The property was sealed on 17.01.2024, but tampering was found on 27.03.2024, upon which an FIR has been lodged. Partial demolition action has taken place on 08.04.2024 and the property has been resealed on 07.05.2024.

4. The second status report dated 27.09.2024 states that further demolition action has been taken on 21.08.2024 and that the remaining action will be taken expeditiously in the monthly demolition schedule of the area in question, subject to availability of the police force. Learned counsel for MCD states that such action will be taken as expeditiously as possible and practicable, and in any event within eight weeks from today.



He submits that MCD will also keep a vigil in the area to ensure that the unauthorised construction is not restored and that the seals are not tampered with.

5. Mr. S.S. Tripathy, learned counsel for the petitioner, states that further unauthorised construction is ongoing at the subject property. MCD is directed to inspect the property again, within one week from today, and take such further actions as required by law.

6. In view of the above contentions, no further orders are required in the writ petition, which stands disposed of, alongwith pending applications.

7. It is made clear that these submissions are recorded without prejudice to the rights and contentions of the owners/occupants of the subject property, whose rights and remedies, available in law, are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory formalities.

PRATEEK JALAN, J

OCTOBER 4, 2024

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