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

+ **W.P.(C) 5468/2024 & CM APPL. 22549/2024**

S. INDRAVE SINGH MANN

.....Petitioner

Through: Mr. Malak Bhatt, Ms. Neeha Nagpal
and Ms. Sukanya Joshi, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Swaroop Sharma, Mr.
Mahender Shukla and Ms. Muskan,
Advs. for MCD.
Mr. S. Tabrez, Adv. for R-2.
Ms. Pratishtha Vij, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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04.09.2024

1. The petitioner in the instant writ petition has prayed for the following reliefs:

*“(A) Issue a Writ in mandamus or any other suitable writ or order or directions thereby directing the Respondent no. 1 to immediately take appropriate action for immediate removal of unauthorized construction at property bearing no. 1 & 1-A, Nathuram Friends Colony, Now known as Friends Colony (West), Mathura Road, New Delhi. (hereinafter referred to as “**Friends Colony Property**”) in the portions belonging to Respondent No. 2 & 3”*

2. The respondent-Corporation has filed compliance report pursuant to the directions passed by this Court on 16.04.2024 which reads as under:-

“1. That the deponent has been posted as Executive Engineer (Bldg)-I, in the Central Zone of Municipal Corporation of Delhi. I have gone



through the relevant records presently maintained by the Building Department of the Central Zone of Municipal Corporation of Delhi and placed before me. On the basis of records placed before me, I have made myself conversant with the facts of the present case and therefore, I am competent to swear the present report / affidavit, on the basis of record.

2. That cause of litigation on the part of petitioner pertains to unauthorized construction, which is stated to have been carried out at subject property No. 1 & 1-A, Friends Colony (West), New Delhi by respondent No. 2 & 3.

3. That it is most respectfully submitted that address of subject property as referred by the petitioner is factually incorrect. As per record, the factual address of subject property is 1, Friends Colony (West), New Delhi. The building plan in respect of subject property was last sanctioned vide File No.386/B/HQ/79 dated 30/05/1979 for the construction of residential building having provision of ground floor and first floor on plot measuring 2010 square meters in size. The existing structure consists of ground floor and first floor. However, plot is sub-divided at site. The inspection revealed sub-division of plot by erecting a partition wall, which is not permissible as per MPD-2021. I The infringement in setback (toilet, rooms and pota cabin) and raising of structure over porch at first floor also came to the notice. The answering respondent has booked the aforesaid unauthorized construction u/s 343/344 of the DMC Act vide file No.393/B/UC/EE(B)-I/CNZ/2024 dated 03/07/2024 and show cause notice bearing printed No. 14145 dated 03/07/2024 has been issued in the name of Shri S. Gurnihal Singh Man and S. Govind Singh Mann. Further action is under contemplation in accordance with provisions of DMC Act. The answering respondent will plan as soon as demolition proceedings are concluded and order passed.”

3. It is thus seen that the respondent-Corporation has already initiated legal action in accordance with law. The respondent-Corporation is directed to take the same to its logical end within a period of four months from today.

4. The petitioner shall be at liberty to approach the Special Task Force in case the respondent-Corporation fails to take the legal action in accordance with law.

5. Rights of the private respondents are reserved to be agitated before an appropriate forum.



6. With the aforesaid directions, the petition stands disposed of alongwith the pending application.

PURUSHAINdra KUMAR KAURAV, J
SEPTEMBER 4, 2024/P