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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5785/2024&CM APPL. 23951/2024**
MANMEET KAUR Petitioner

Through: Mr. Saket Sikri, Mr. Gurpratap Singh
and Mr. Ajay Pal Singh, Advs.

versus

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

Through: Mr. Aditya Vaibhav Singh, Adv. for
R1.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

25.04.2024

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1. The present petition raises a grievance as regards subsistence of illegal and unauthorised construction at property bearing no. 1/13 (western side), West Patel Nagar, Delhi, ad-measuring 400 Sq.
2. The property in question is stated to have been sealed as far back as on 26.02.2010 on account of unauthorised construction. On 15.03.2010, the property was temporarily de-sealed at the request of the co-owners of the property. The said de-sealing order was only for a period of 45 days. The said order dated 15.03.2010 reads as under:-

“With reference to your application dt. 02.03.2010 on the above mentioned subject, this is to inform you that the Competent Authority vide her orders dt. 12.03.10 has allowed temporary de-sealing of the above mentioned property for a period of 45 days for self rectification and applicant will submit a regularization plan of the property after rectification as per MPD-2021.

Therefore, the above mentioned premises is being temporary de-sealed for 45 days for the above purpose. It is made clear that if you fail to carry out the required rectification/demolition within the above period, the premises will be resealed. ”



3. The learned counsel for the petitioner submits that the petitioner is also one of the co-owners of 2/3rd of the property in question. He further submits that the property has not been inspected by the respondent/MCD since 2010, in the aftermath of the aforesaid temporary dealing order. It is further submitted that no rectification whatsoever has been carried out in the property in question, and the unauthorised construction therein continues to subsist. He submits that in view of the inaction on the part of the respondent/MCD for inordinately long period of time, repeated representation/s have been given by the petitioner, including the representation dated 04.04.2024 addressed to the Executive Engineer, Building Department, MCD, wherein it has been specifically stated as under:

“7. It has come to my knowledge that subsequent to the sealing of the properties in February 2010, Sandeep Dhingra and Satya Dhingra applied for temporary de-sealing of the property in March 2010 for which he also submitted an affidavit with MCD for removing unauthorised construction. Accordingly, the property was temporarily de-sealed for self-rectification only for a period of 45 days vide an order dated 15.03.2010. However, despite to submitting of Affidavit he has failed to comply with the directives and construction of the property is never rectified thereafter.

To the best of my knowledge, unauthorised construction was never rectified by Sandeep Dhingra and Satya Dhingra and the temporary de-sealing order was never made permanent.

8. In light of the above facts we firmly believe that re-sealing the abovementioned property is in the best interest of both the community and the property itself. As such, I kindly request your good office to take prompt action to seal the above-mentioned property once again. This step is crucial to ensure the adherence to the legal regulations and to prevent any further violations or potential hazards associated with the property.”

4. Learned counsel for the respondent/MCD who appears on advance notice submits that the aforesaid representation dated 04.04.2024 of the



petitioner shall be duly considered by the respondent/MCD and a reasoned order shall be passed thereon, after affording an opportunity of hearing to the petitioner. It is directed accordingly.

5. Learned counsel for the respondent/MCD further submits that an opportunity of hearing shall be afforded to the petitioner by the concerned Executive Engineer, Building Department of Karol Bagh Zone on 09.05.2024 at 2.30 PM and a reasoned order shall be passed within a period of 2 weeks thereafter. Requisite action, as may be warranted upon the conclusion of the aforesaid exercise shall also be forthwith taken by the respondent/MCD.

6. The MCD is also directed the other co-owners of the concerned property, before disposing of the representation of the petitioner.

7. The present petition is disposed of in terms of the aforesaid directions.

8. In case the petitioner is aggrieved by the outcome of the aforesaid exercise, it shall be at liberty to avail appropriate remedies in accordance with law.

SACHIN DATTA, J

APRIL 25, 2024/at