



\$~54

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

+ **W.P.(C) 6237/2024 and CM APPL.25982/2024 (Stay)**

KRISHNA BHATIA

..... Petitioner

Through: Mr. Aman Sareen and Mr. Harmeet Singh, Advs.

versus

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

Through: Ms. Saroj Bidawat, Adv. for MCD (through v/c)

Mr. R.K. Dhawan, SC along with Ms. Nisha Dhawan, Mr. V.K. Teng, Ms. Shivani Taneja and Ms. Anwesha Singh, Advs. for R-2/DDA.

Mr. Karamveer Singh and Mr. Sumit Kumar, Advs. for R-3 and 4.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

15.05.2024

%

1. The present petition has been filed by the petitioner alleging illegal/unauthorized construction in property bearing No.C-16-G, Third Floor, Munirka, DDA Flats, New Delhi.
2. At the outset, learned counsel for the petitioner concedes that a Civil Suit being CS(OS) No.579/2019 has been filed by the petitioner before court of Ld. ADJ-04, Patiala House Courts, New Delhi, wherein one of the reliefs sought is that the MCD be directed to remove the illegal/unauthorized construction which is the subject matter of the present petition.
3. Learned counsel for the petitioner submits that the petitioner shall take appropriate steps to amend the civil suit so as to delete the MCD from the array of parties in the said suit and to drop the prayer sought against the



MCD in the said suit inasmuch as the proper remedy of the petitioner lies in pursuing the present writ petition. The said statement of learned counsel for the petitioner is taken on record.

4. Learned counsel for the respondent/MCD submits that the MCD has sought a copy of the “Standard Plan/Accommodation Plan” in respect of the premises from the DDA. It is stated that upon receipt of the same, the MCD will forthwith inspect the property in question and if any unauthorized construction is found to be subsisting therein, appropriate action for removal of the same shall be taken in accordance with law.

5. Learned counsel for the respondent/DDA, who appears on advance notice submits that a copy of the Standard Plan/Accommodation Plan shall be provided by the petitioner to the MCD within a period of two weeks from today. It is directed accordingly.

6. Learned counsel for the MCD undertakes, on instructions, that requisite action shall be taken expeditiously and preferably within a period of four weeks from the date of receipt of the Standard Plan/Accommodation Plan from the DDA. Needless to say, any action proposed to be taken by the MCD shall be subject to the statutory/appellate remedies of the owner/occupier of the property in question.

7. In view of the aforesaid, no further orders are sought by the petitioner at this stage. The present petition is accordingly dismissed as withdrawn, however, taking on record the statement made by learned counsel for the DDA and MCD.

SACHIN DATTA, J

MAY 15, 2024/cl