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

+ **W.P.(C) 6618/2024 & CM APPL. 27536/2024**

**ILLEGAL CONSTRUCTION AND ENCROACHMENT
FRONT**

..... Petitioner

Through: Mr. Shailendra Chandra Jha, Mr.
Hunny Yadav and Ms. Akchita Singh,
Advocates

versus

BEST WESTERN DARBAR AND ORS.

..... Respondent

Through: Mr. Ashutosh Gupta, ASC with Mr.
Arman Monga, Advocate for MCD
Ms. Prabhsahay Kaur, Standing
Counsel, STF with Mr. Bir Inder
Singh Gurm and Ms. Pragati Singh,
Advocate for R-4/STF

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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09.05.2024

CM APPL. 27536/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 6618/2024

1. Present public interest litigation has been filed seeking directions to Respondent Nos. 2 to 4 to seal, demolish and remove the encroachment and unauthorised construction at 9015-17, Deshbandhu Gupta Road, Bazar



Sangatrashan, Multani Dhanda, Paharganj, Delhi 110055 ('subject property').

2. Learned counsel for the Petitioner states that Respondent No. 1 is operating a hotel at the subject property. He alleges that the hotel has not been constructed as per the sanction plan as 100 per cent carpet area has been covered, no parking slots have been provided at the premises and an extra floor has been constructed by Respondent No. 1.

3. He states that the Petitioner has written a letter dated 25th January, 2024 to the Deputy Commissioner, Municipal Corporation of Delhi ('MCD'), Karol Bagh, New Delhi seeking removal of the illegal construction at the subject property. He further states that the Petitioner has filed a complaint dated 06th March, 2024 with the Special Task Force (STF). He states that on 13th April, 2024, a report was uploaded on the STF portal wherein it is stated that the building is old and occupied and booked under Sections 343 & 344(1) of the Delhi Municipal Corporation Act, 1957 ('the DMC Act'). He, however, states that no action has been taken so far.

4. Learned counsel for the MCD who appears on advance notice states that construction in the subject property has been carried out in accordance with the sanctioned building plan. He further states that the excess coverage which had been carried out in the said property has already been demolished. Let the said facts be communicated by the concerned Executive Engineer to the Petitioner in writing within four weeks.

5. In the event, the Petitioner is aggrieved by the sanctioned building plan issued by the MCD, he shall be at liberty to file appropriate proceedings in accordance with law. This Court clarifies that it has not upheld the *locus standi* of the Petitioner to file any proceeding. Further, the



rights and contentions of all the parties are left open. Accordingly, the present writ petition is disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 9, 2024/msh