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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7208/2024 & CM Appl.30081/2024

AYAAN INTERNATIONAL FOUNDATION Petitioner

Through: Mr. Naveen Solia, Adv.

Versus

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

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

Mr. Santosh Kumar Tripathi, SC with
Mr. Rishabh Srivastava and Mr.
Kartik Sharma and Ms. Prashansa
Sharma, Advs. for DCP.

Mr. Ashim Vachher, SC with Mr.
Kunal Lakra, Adv. for DDA.

SI Kavish Rana, PS Laxmi Nagar.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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20.05.2024

CM Appl.30082/2024[Exemption]

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7208/2024 & CM Appl.30081/2024[stay]

3. The grievance of the Petitioner as articulated in the present Petition is the inaction of the Respondents Authorities over illegal and unauthorised construction at property no. D-100, Laxmi Nagar, Delhi – 110092 [hereinafter referred to as “subject property”]. It is contended by learned Counsel for the Petitioner that the construction is taking place without any sanction plan and in violation of the applicable rules and regulations.

3.1 It is further contended that despite the fact that complaints have been made before the Respondent No.1/MCD, no action has been taken.



4. Learned Counsel appearing for Respondent No.1/MCD, on advance notice, submits that so far as concerns the ground, first and second floor of the subject property, these were already booked for violation on 06.02.2024 while the third and fourth floors were booked for violation by Respondent No.1/MCD on 18.03.2024. It is contended that although demolition action was proposed to be taken on 24.04.2024 and 09.05.2024, in view of the paucity of available staff, the action could not be taken.
5. Learned Standing Counsel appearing on behalf of Respondent No.3/Special Task Force also submits that in view of the unauthorised construction and violation, a complaint has already been forwarded to Respondent No.1/MCD by Respondent No.3/Special Task Force on 16.05.2024.
6. Learned Counsel for the Respondent No.1/MCD contends that the action in regard to the subject property shall be taken at the earliest and no later than six weeks from date. The Respondents are bound down to the said statement.
7. It is clarified that this Court has not examined the petition on merits and this order is being passed in view of the fact that the MCD has already previously booked the property for demolition on 18.03.2024.
8. Needless to add, any action taken by Respondent No.1/MCD shall be taken in accordance with law. All rights and contentions of the parties are left open in this regard.
9. The petition and pending application is accordingly disposed of.
10. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 20, 2024/r

[Click here to check corrigendum, if any](#)