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

+ **W.P.(C) 7506/2024**

SH. PREM NATH KHANNA

..... Petitioner

Through: Mr. Akash Gosain and Ms. Nidhi
Bhatia, Advs.

versus

THE GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Ashim Vaccher, SC for DDA
along with Mr. Kunal Lakra and Mr.
Vinayak, Advs. for R3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **24.05.2024**

CM APPL. 31304/2024 (Exemption)

Exemption allowed subject to just exceptions.

Application stands disposed of.

W.P.(C) 7506/2024

1. The present petition raises a grievance as regards illegal and unauthorized construction being carried out by respondent no. 5 upon the 3rd floor and on terrace of the property bearing no. A45, Chander Nagar, Janak Puri, New Delhi-110058

2. Learned counsel for the MCD who appears on advance notice submits that the property in question has been inspected by the MCD and unauthorised construction in the shape of deviation and excess coverage has been found to be subsisting in the basement, ground, first, second and the third floor of the property in question. Further, two rooms and a glass panel



on the terrace of the third floor are stated to have been constructed which are also wholly unauthorised.

3. Learned counsel for the MCD submits that the property in question has been booked and a show cause notice has been sent to the concerned owners/occupiers on 17.05.2024. It is submitted that appropriate action in accordance with law shall be taken to remove the unauthorised construction in the property in question.

4. MCD is directed to take requisite action to remove the unauthorised construction expeditiously after following the procedural requirements mandated under law, including affording an opportunity of hearing to the concerned owners/occupiers of the property in question.

5. Learned counsel for the petitioner submits that as far as the basement, ground and first floor is concerned, they are protected under Delhi Laws (Special Provisions) Act, (2nd Amendment); this aspect shall also be duly considered by the MCD.

6. MCD is directed to ensure that the entire unauthorised construction subsisting at the terrace of the aforesaid structure is removed, in accordance with law.

7. Needless to say, any action proposed to be taken, shall be subject to the statutory/appellate remedies of the owners/occupiers of the property in question.

8. With the aforesaid observations/directions, the present petition is disposed of.

SACHIN DATTA, J

MAY 24, 2024/at