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

+ **W.P.(C) 8002/2024, CM APPL. 32956/2024 - STAY**

ESHAN GUPTA

..... Petitioner

Through: **Mr. Sandeep Kumar, Adv. (through
v/c)**

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: **Mr. Ashutosh Gupta, ASC for MCD.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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29.05.2024

CM APPL. 32957/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 8002/2024, CM APPL. 32956/2024 (Stay)

1. The present petition raises a grievance as regards alleged unauthorized construction in property bearing building No.624-625, Katra Ishwar Bhawan, Main Road, Khari Baoli, Delhi-110006.
2. It is contended that apart from illegal construction, there has also been significant encroachment on public land.
3. Learned counsel for the MCD, who appears on advance notice submits that the entire structure subsisting on the property in question comprising of six floors i.e. ground floor and five floors was found to be unauthorized. He submits that demolition action has already been taken qua the fourth and fifth floor of the property in question. He further submits that



a show cause notice has been issued qua the other floors in response to which the owner/occupier of the property has taken a stand that the same was constructed prior to 2007. He submits that the show cause notice shall be adjudicated within a period of one week from today and further action in accordance with law shall be taken soon thereafter. The aforesaid statement of the learned counsel for MCD is taken on record.

4. In view of the aforesaid statement on behalf of the MCD, no further orders are required to be passed at this stage.

5. The present petition is accordingly, disposed of taking on record the aforesaid statement made on behalf of MCD.

6. Needless to say, any action taken by the MCD shall be subject to the statutory/appellate remedies of the owner/occupier of the property in question.

SACHIN DATTA, J

MAY 29, 2024/cl