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

+ **W.P.(C) 8096/2024**

OMWATI

..... Petitioner

Through: **Mr. Sandeep Mishra, Adv. (VC)**

versus

MUNICIPAL CORPORATION OF DELHI & ORS. Respondents

Through: **Mr. Akhil Mitta, SC for MCD.**

Ms. Sangeeta Bharti, SC for DJB.

**Mr. S. Hussain and Mr. Raghav
Awasthi, Advs. for R4.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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29.05.2024

**CM APPL. 33321/2024 – Ex(Filing True Typed And Fair/ Certified
Copies Of Annx.)**

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed by the petitioner raising a grievance as regards illegal/unauthorised construction at property bearing H. No. A 218 & A204 Chattarpur, Enclave Phase-II, New Delhi-110074.
4. Alongwith the present petition, certain photographs have been annexed showing that the property is running into almost 6 floors and more than 40 flats has been constructed. It is contended that the same has been constructed without any sanctioned plan whatsoever.
5. Learned counsel for the respondent who appears on advance notice



submits that the property in question has been booked by the MCD.

6. Upon perusal of the documents filed alongwith the petition, it transpires that the said property was booked as far back on 23.06.2021. It is inexplicable as to why no action has been taken by the MCD till date qua the unauthorised construction in question.

7. The MCD is directed to inspect the property and ascertain the extent of unauthorised construction and thereafter take prompt action to remove the subsisting unauthorised construction in accordance with law. Let the same be done by the MCD within a period of 8 weeks from today.

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

9. The Delhi Jal Board and The BSES are also directed to inspect the property in question and take requisite action qua any illegal electricity/water connection in the property in question. Let the same also be done within a period of 8 weeks from today.

10. The present petition is disposed of in terms of the above directions.

11. In case there is any deficiency in the action taken, the petitioner shall be entitled to avail appropriate remedies in accordance with law.

12. The MCD, the Delhi Jal Board and the BSES are directed to file compliance affidavit within a period of 12 weeks from today, with advance copy to learned counsel for the petitioner.

SACHIN DATTA, J

MAY 29, 2024/at