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

Date of Decision: 26th June, 2024

+ W.P.(C) 8709/2024, CM APPL. 35561/2024
SH DIPANKAR DUTTA AND ANR

..... Petitioners

Through Mr. Hari Kishan with Mr. Akarsh
Sharma and Mr. Parantap Agarwal,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI Respondent

Through Mr. Pritish Sabharwal along with Mr.
Sanjeev Sabharwal, Standing
Counsel.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL)

CM APPL. 35562/2024 (Exemption)

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

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3. The present petition has been filed for quashing of order dated 23rd April, 2024 for demolition of alleged unauthorized construction at *Flat No. 141-B, First Floor, Pocket F, Mayur Vihar, Phase-II, Delhi-110091* passed by Assistant Engineer (Building)-II, Shahadra (South) Zone, MCD Delhi.
4. It is submitted that the petitioners purchased the flat through registered sale deed dated 05th November, 2019. It is further submitted that Mr. Anoop Mehrotra, resident of *Flat No. 144-C, Pocket F, Mayur Vihar,*



Phase-II, Delhi-110091 had filed *W.P. (C) No. 14259/2023* alleging unauthorized construction in several flats, including that of the petitioner.

5. It is the case of the petitioner that without carrying out inspection in terms of the order dated 2nd November, 2023, the respondent/MCD issued Show Cause Notice under Section 344 (1) and 343 of Delhi Municipal Corporation Act, 1957 (“DMC Act”) dated 5th March, 2024, which was received by the petitioner only on 11th March, 2024.

6. Reply was filed by the petitioners and personal hearing was also attended by the petitioner. However, without considering the reply and submissions of the petitioner, the impugned order dated 23rd April, 2024 was passed, which alleged that unauthorised construction existed in the flat of the petitioner.

7. It is further submitted that the petitioner has also filed an application for regularization of any existing unauthorised construction, in his flat.

8. Thus, he submits that order dated 23rd April, 2024, passed by the Assistant Engineer (Building)-II, Shahadra (South) Zone, be quashed.

9. Per contra, Mr. Sanjeev Sabharwal, learned Standing Counsel for the respondent/MCD has handed over a copy of the demolition order dated 23rd April, 2024, and copy of Invalid Notice dated 21st June, 2024.

10. He submits that though the petitioner had submitted regularization application dated 27nd May, 2024, however, there were many discrepancies in the same. On account of the same, Invalid Notice dated 21st June, 2024 has been issued.

11. He further submits that by way of the aforesaid Invalid Notice dated 21st June, 2024, the petitioner herein has been directed to remove the discrepancies, within a period of seven days.



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12. At this stage, learned counsel appearing for the petitioner submits that he has not received a copy of the aforesaid Invalid Notice. Copy of the same has been handed over to him by learned counsel for respondent, during the course of hearing.

13. Considering the aforesaid, the petitioner is directed to comply with the requirements of the Invalid Notice dated 21st June, 2024, and approach the respondent/MCD in this regard.

14. Needless to state, the petitioner shall comply with the various directions of the MCD, with respect to filing of any documents, or making any other compliance, in that regard.

15. It is further directed that during the pendency of the regularization application of the petitioner, no coercive action shall be taken against the petitioner.

16. In view of the aforesaid, no further orders are required to be passed in the present petition.

17. Accordingly, the present petition is disposed of, along with the pending application.

**MINI PUSHKARNA, J
(VACATION JUDGE)**

JUNE 26, 2024/ss