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

+ **W.P.(C) 9115/2024 & CM APPL. 37282/2024**

N D TANEJA

.....Petitioner

Through: **Mr. Kamlesh Anand, Adv.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: **Mr. Raghav Marwaha, ASC for
MCD.**

**Mr. Shashi Pratap Singh and
Ms. Urvashi, Advs for R-2.**

**Mr. Ashim Vachher, SC for
DDA with Mr. Kunal Lakra,
Mr. Vinayak Uniyal and Ms.
Saiba M. Rajpal, Advs.**

**Mr. Abhishek Raj Sharma, Mr.
Ajay Sharma and Ms. Radhika
Sharma, Advs.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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18.07.2024

1. The petitioner in the instant petition has prayed for the following reliefs:

“(A) Direct Respondents to demolish unauthorisedly constructed at third floor of the property bearing No. KP-20, Pitam Pura, New Delhi -110034;

(B) Direct Respondents to demolish unauthorisedly constructed at second floor of the property bearing No. KP- 20, Pitam Pura, New Delhi -110034”

2. On notice being issued, the respondent-MCD has placed on record the status report. Paragraph No. 4 to 6 of the status report reads



as under:

“4. That before adverting to the present situation of the property in question, it is submitted that in January, 2023 the owner of second floor started raising of wall at terrace of second floor and same get stopped by the intervention of Area JE(B) at that time (Wall raised only up to two-three approx.) A work stop notice to SHO, Maurya Enclave was also sent by the department vide no. D-1822/AE(B)-I/KPZ/2023 dated 27.01.2023. The copy of letter dated 27.01.2023 is annexed herewith as Annexure-'A'.

5. That in this regard it is submitted that to ascertain the unauthorized construction over the property in question, an inspection was carried out by the field staff of the answering defendant on 26.06.2024 and subsequently on 10.07.2024. During inspection, it was noticed that the property consists of ground floor, first floor and second floor and one mummy room & a temporary room found constructed on terrace of second floor. The photographs taken during inspection annexed herewith as Annexure-'B' (Colly).

6. That it is further submitted that at the time of inspection, no fresh construction was found ongoing. As per the inspection, the above said property were found very old and occupied. However, to ascertain any unauthorized construction, a letter dated 15.07.2024 has been sent to the owner/occupier of the subject property to provide the copy of Sanction Building Plan/Completion Plan/Regularisation Plan etc. and reply of the same is awaited Copy of the letter dated 15.07.2024 are annexed herewith as Annexure-'C' (Colly).”

3. It is thus seen that the respondent-Corporation has already started taking action against the unauthorised/illegal construction.

4. Let the same be taken to its logical end.

5. In view of the aforesaid, nothing remains to be adjudicated. Accordingly, the instant petition stands disposed of alongwith the pending applications. However, liberty is reserved in favour of the petitioner to take up the issue to the authority or to take any other appropriate legal action in case his grievance still remains unsatisfied.



6. The Registry is directed to take the status report on record.

PURUSHAINDRA KUMAR KAURAV, J
JULY 18, 2024/p