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

+ LPA 596/2024 & CM APPL. 39442/2024, CM APPL. 39443/2024,
CM APPL. 39444/2024

ARUN KUMAR SAINI

.....Appellant

Through: Mr. Shalinder Sain, Advocate
(through video conferencing).

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. R. K. Dhawan, Standing Counsel
for DDA with Ms. Nisha Dhawan,
Mr. V. K. Teng and Ms. Shivani
Taneja, Advocates for R-1.
(Mob No. 9899775330) (Email:
rkdhawan9@gmail.com)
Mr. Ranjeet Pandey, Standing
Counsel for MCD-R-2 with Ms.
Mansha, Advocate.
Ms. Mehak Nakra, ASC for GNCTD
with Mr. Umang Aditya, Mr.
Devansh Solanki and Mr. Krishna
Gandhi, Advocates for R-3.
(Mob No. 9871144582).

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **16.07.2024**

1. Present letters patent appeal has been filed challenging the order dated 08th May, 2024 passed by the learned Single Judge of this Court in W.P. (C) 6573/2024, whereby the writ petition filed by the respondent No.4 was disposed of with directions to respondent no. 2-MCD to take action against unauthorised construction and misuse of the flat belonging to the appellant.



2. Learned counsel for the appellant states that the respondent No. 4 has no connection with house of the appellant, as respondent No. 4 resides at House No. 253, Sidhartha Enclave, New Delhi-110014 and the appellant resides at House No.123, Sidhartha Enclave, New Delhi-110014. He submits that the impugned order has been passed in violation of the principle of natural justice as no opportunity of hearing was given to the appellant before passing the impugned order. He also states that the appellant has been prejudiced by the impugned order as the respondent No.2-MCD has been directed to file an action taken report within six weeks.

3. Learned counsel for the respondent No.2-MCD, who appears on advance notice, states that as of today, only unauthorized construction and misuse of petitioner's flat in Sidhartha Enclave has been booked. He states that notices have been issued to the flat owner and demolition and sealing order is yet to be passed. He assures this Court that MCD is hearing the matter with open mind and shall decide the matter on its own merit. Learned counsel for the MCD further assures this Court that a final order shall be passed after hearing the appellant.

4. This Court has perused the impugned order dated 08th May, 2024 and is of the view that the learned Single Judge in the impugned order has only recorded the MCD's statement that unauthorized construction and misuse in appellant's flat has been booked. The learned Single Judge has not passed any demolition or sealing order.

5. This Court is of the view that the appellant cannot state that it is aggrieved by the impugned order. Consequently, the plea of violation of principles of natural justice is not made out. This Court also finds that the learned Single Judge has given liberty to the appellant to seek his remedy in



accordance with law, in the event, he is aggrieved by any action taken by the MCD.

6. However, to balance the equities, this Court clarifies that any proceedings filed by the appellant shall be decided on its own merit without being influenced by the order dated 8th May 2024. But, this Court declines to interfere with the time frame fixed by the learned Single Judge as this Court is of the view that the issue in question needs to be decided in a strict time frame.

7. With the aforesaid observations, the present appeal along with pending applications stands disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 16, 2024/p