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

+ W.P.(C) 9700/2024

MANOJ KUMAR

.....Petitioner

Through: Mr. Mohar Singh Jadhav, Advocate
versus

THE COMMISSIONER OF MCD & ORS.

.....Respondents

Through: Mr. Manu Chaturvedi, Standing
Counsel with Ms. Devika Singh Raj
Chowdhury, Advocate for MCD
Mr. Santosh Kumar Tripathi, SC with
Mr. Rishabh Srivastava, Mr. Utkarsh
Singh and Mr. Arun Panwar,
Advocates for R-2 and 3
Ms. Sangeeta Bharti, Standing
Counsel with Ms. Malvi Balyan and
Ms. Vidhushi Gupta, Advocates for
R-4
Mr. Rishabh Raj Jain, SC with Mr.
Sharique Hussain, Advocate for R-5

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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18.07.2024

1. Present writ petition has been filed seeking a direction to the respondents to stop and demolish the illegal and unauthorised construction at F-201/2, Gautam Nagar, New Delhi-110049 ("subject property") on the ground that the same has been constructed without obtaining a No Objection Certificate (NOC) from the fire department and in violation of the building bye-laws and MPD 2021. The petitioner further seeks direction to



respondent nos. 4-5 to disconnect the water supply and electricity supply connection to the subject property as well as suspend officials of respondent nos. 1-4 for their failure to discharge their duties.

2. Learned counsel for the petitioner states that a five story building has been constructed at the subject property. He states that building material used for construction has been spread on public road thereby causing nuisance to pedestrians. He states that the unauthorised building at the subject property has 100 percent coverage area, whereas for a plot area of 100sqm to 250 sqm only 75 percent coverage is permitted.

3. Per contra, learned counsel appearing for the respondent /MCD states that there is no unauthorized or illegal construction in the subject property.

4. He states that the property is located on a plot approximately 60 square meters. He also states that the building is not a five storied building but is a stilt plus three storied building.

5. Keeping in view the highly disputed question of fact, this Court disposes of the writ petition with a direction to Superintendent Engineer, South Zone, MCD to decide the petitioner's representation dated 12th April, 2024 attached as Annexure-B to the present writ petition as expeditiously as possible. With the aforesaid direction, the writ petition is disposed of. The right and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 18, 2024/ms