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

+ **W.P.(C) 9767/2024 & CM APPL. 40094/2024 & 60931-32/2024**

SUNNY LUTHRA

.....Petitioner

Through: Ms. Tulika Kamra and Mr.
Rishabh Gupta, Advocates.

versus

CHETAN LUTHRA & ORS.

.....Respondents

Through: Mr. Saimon Farooqui, Mr.
Chirantan Krishna, Advocates and
Mr. Arun Rawat, AE for MCD.
Mr. Raghvendra Upadhyay, Panel
Counsel with Ms. Purnima Jain
and Mr. Vaibhav Tripathi,
Advocates for R-4 & 5.
Mr. Gautam Narayan and Mr.
Ayush Gupta, Advocates for
Applicant in CM. APPL.
60931/2024.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.10.2024

1. The petitioner has filed this writ petition, under Article 226 of the Constitution, for action against alleged illegal construction in property No. C-43, DDA Colony, New Jafrabad, Shahdara, Delhi 110032 [“subject property”].
2. The averments in the writ petition read as if the subject property is that of respondent Nos. 1 and 2. Ms. Tulika Kamra, learned counsel for the petitioner, states that the petitioner and respondent Nos. 1 and 2 are



related to each other. An interlocutory application [CM APPL NO. 60931/2024] has, however, been filed by one Mr. Sijaruddin Ansari stating that respondent Nos. 1 and 2 have nothing to do with the property, and that he is the owner of the Upper Ground Floor of the subject property under the registered sale deed dated 26.10.2023.

3. Upon enquiry, Ms. Kamra states that respondent Nos. 1 and 2 are builders of the subject property, but no such contention appears in the writ petition. She is also unable to point out as to how the alleged illegal construction affects the petitioner's right to ventilation and light as stated in Paragraphs 4, 7 and 8 of the writ petition.

4. At this stage, Ms. Kamra seeks permission to withdraw the writ petition.

5. Mr. Saimon Farooqui, learned counsel for Municipal Corporation of Delhi ["MCD"], states that the subject property has already been inspected and an unauthorised construction having been found, a demolition order has already been passed on 09.08.2024 and the sealing order has been passed on 03.09.2024. Mr. Gautam Narayan, learned counsel for the applicant – Mr. Sijaruddin Ansari, however submits that no such orders have been served to Mr. Sijaruddin Ansari. Mr. Farooqui states that the orders will be served upon the learned counsel for the applicant in the course of the day.

6. As a prayer has been made for withdrawal of the writ petition, no further orders are required in this writ petition, except to state that this Court has not made any observation on the rights, title or interest of respondent Nos. 1 and 2 in the subject property. The owners/occupants, including the applicants, are free to take such proceedings, as available to



them in law, against the demolition order/sealing order passed by the MCD.

7. The writ petition, alongwith pending applications, stands disposed of.

PRATEEK JALAN, J

OCTOBER 16, 2024/MR/