



\$~17

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

+ **W.P.(C) 9847/2024, CM APPL. 40391/2024**

M.C. MITTAL

.....Petitioner

Through: Mr. Kush Sharma, Mr. Nishchaya
Nigam, Mr. Jatin Kr. Dauar, Ms.
Anushka Chowdhary, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI &
ANR.**

.....Respondent

Through: Mr. Akhil Mittal, SC for MCD
alongwith Mr. Sunil Mittal, Mr.
Vivek Singhal, Ms. Vasudha,
Advocates.
Mr. Mohit Bhardwaj, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **25.07.2024**

1. Learned counsel appearing for the petitioner, after making brief submissions, realises that the construction in question cannot be justified in absence of there being an appropriate sanction plan from the respondent-Corporation. He, therefore, confines his prayer to the extent of granting him some time to remove the said defect and to rectify the building in accordance with the sanction plan.

2. Learned counsel further submits that the petitioner is 80 years of age and is suffering from various ailments. According to him, the petitioner



requires regular medical treatment and has to regularly visit the hospital. He, therefore, prays for four months time to do the said exercise.

3. The aforesaid submission is however opposed by the learned counsel for the respondent.

4. Bearing in mind the nature of submission which has been made by the learned counsel for the petitioner and also looking at the age of petitioner, the Court deems it appropriate to dispose of the instant petition with the following directions:-

- (i) Let the petitioner to file an affidavit before the respondent-Corporation within seven working days from today, undertaking therein that the unauthorised construction in the shape of rooms over the projection of municipal land in backside at first floor and second floor shall be removed and the building in question be restored in accordance with sanction plan.
- (ii) On furnishing the affidavit within the aforesaid period, the respondent-Corporation shall grant four months' time to the petitioner to undertake the aforesaid exercise.
- (iii) After expiry of four months, let the competent Officer of the respondent-Corporation to inspect the building in question and in case the petitioner fails to adhere to the aforesaid affidavit, the respondent-Corporation shall be at liberty to take appropriate steps.

5. Accordingly the present petition stands disposed of.



PURUSHAINdra KUMAR KAURAV, J

JULY 25, 2024/KG