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

+ **W.P.(C) 10791/2024**

MINAKSHI GUPTA

.....Petitioner

Through: Mr. Avadh Bihari Kaushik and Mr.
Rishabh Kumar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Divyam Nandrajog, PC with
Mr. Fateh Singh Bhullar, Adv for R-3
Mr. R. K. Sinha, Adv. for R-3.
Mr. B. P. Agarwal, Adv. for R-6.
ASI Krishan Kumar, PS: Sarai
Rohilla.
Mr. Vishal Chadha, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

03.09.2024

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1. There appears to be a brief status report filed by the respondent-Corporation. The same, however, is not on record.
2. Learned counsel appearing for the respondent-Corporation is directed to ensure that the status report is placed on the digital record of the Court before the next date of hearing. Copy thereof has been handed over across the board.
3. The brief status report reads as under:

"I, Sanjeev Kumar S/o Sh. Om Prakash aged about 53 years, currently posted as Executive Engineer (Bldg.)-I, City SP Zone, Municipal



Corporation of Delhi, Nigam Bhawan, 4th Floor, Old Hindu College, Kashmere Gate, Delhi-06, do hereby solemnly affirm and declare as under:-

1. That I am working with answering Respondent/ Municipal Corporation of Delhi. I have been authorized to depose the present affidavit. Being conversant with the facts of the case, as reported and brought out from the records, I am competent to depose the present short status report in my official capacity.

2. That the deponent is filing the present short affidavit with the liberty to file the detailed affidavit as and when the same is directed by this Hon'ble Court or the occasion so arises.

*That it is respectfully submitted that as per record, property bearing no. 315/32, Shehzada Bagh, Industrial Area, Daya Basti, New Delhi-110035 was inspected by field official on 20.08.2024 and upon noticing unauthorized construction in the shape of basement, ground floor, first floor, second floor, third floor, fourth floor and u/c in the shape of tin shed at fifth floor with projection on municipal land (old and occupied) and the same was booked under section 344(1) and 343 of the DMC Act vide file no.244/71/B/UC/EE(B)- I/CSPZ/2024 dated 20.08.2024. A show cause notice dated 20.08.2024 was issued to Pawan Kumar Kaushal/Owner/Occupier to show cause as to why demolition order be not passed in respect of aforesaid unauthorized construction. It is submitted that after following the due process of law, demolition order dated 30.08.2024 has been passed by the quasi judicial authority thereby directing to demolish the aforesaid unauthorized construction within 06 days failing which the same be shall be demolished at the risk and cost of the noticee. A copy of demolition order dated 30.08.2024 is annexed herewith as **Annexure-A.**"*

4. It is thus seen that the show cause notice dated 20.08.2024 has already been issued to one Mr. Pawan Kumar Kaushal, who appears to be the occupier/owner. The respondent-Corporation is, therefore, directed to take this issue to its logical end in accordance with law.

5. At this stage, no positive directions are required to be passed. However, liberty is reserved in favour of the petitioner to take appropriate steps in accordance with law if her grievance is not mitigated within a period



of six months from today.

6. The respondents' right shall be subject to their establishment before the appropriate forum.

7. The petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J.

SEPTEMBER 3, 2024/p