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

+ W.P.(C) 11094/2024, CM APPL. 73177-73178/2024 & CM APPL.
73200-73201/2024

MR GHANSHYAM DAS MEHESHWARI SENIOR CITIZEN
& ANR

.....Petitioners

Through: Mr. Rajesh Kumar Chaurasia and
Mr. Sujeet Kumar, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.
& ORS.

.....Respondents

Through: Mr. Nikhil Palli, Advocate for
MCD.

Mr. Ravinder Singh, Ms. Raveesha
Gupta and Mr. Ritvik Bhardwaj,
Advocates for Applicant in CM
APPL. 73177/2024.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
13.12.2024

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1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of alleged illegal and unauthorised construction over the terrace of the first floor of the property bearing No. C-47, Greater Kailash Part-I, New Delhi-110048 [“subject property”].

2. The Municipal Corporation of Delhi [“MCD”] has filed a status report dated 21.09.2024, in which it is stated that the subject property has been booked for unauthorised construction in the shape of excess coverage/deviations against sanctioned building plan on the ground floor,



first floor and second floor and in the shape of addition/alteration/recreation of walls and sun shades on the second floor of the subject property. It is stated that the ground, first and second floors of the subject property are old construction and the ground floor and first floor are also occupied. MCD has already taken action in respect of the subject property by issuance of a demolition order dated 20.08.2024.

3. It is further stated that action pursuant to the demolition order would be taken in the monthly demolition schedule. Learned counsel for MCD states that action could not be taken, *inter alia*, due to intervention of the Graded Response Action Plan – IV restrictions on construction and demolition activities on properties, but MCD proposes to take action expeditiously, subject to the availability of police force.

4. An application has also been filed by one Mr. Amarjeet Singh, who claims to be the owner of the second floor of the subject property. He has stated that he has filed a reply to the show cause notice which was served upon him by MCD, but had no knowledge that a demolition order has been passed. A copy of the demolition order has been handed over to learned counsel for Mr. Amarjeet Singh by learned counsel for MCD.

5. I have heard learned counsel for the parties. It is evident that MCD has already seized of the issue of unauthorised construction on the subject property and has passed a demolition order. No further orders are, therefore, required in this writ petition.

6. However, as far as the owners/occupants of the property are concerned, including the applicant in CM APPL. 73177/2024, they can be protected by reserving liberty to them to challenge the demolition order before the Appellate Tribunal for MCD [“ATMCD”] in accordance with



law.

7. The writ petition, alongwith the pending applications, is therefore disposed of reserving liberty to the owners/occupants of the property as aforesaid.

8. To enable the owners/occupants to take their remedies, MCD is directed to maintain *status quo* for a period of 15 days from today.

9. The rights of the parties will thereafter be governed by any orders passed by the ATMCD, if the demolition order is challenged.

PRATEEK JALAN, J

DECEMBER 13, 2024

MR/AL/