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

+ W.P.(C) 11692/2024

ROHIT BASOYA

.....Petitioner

Through: Mr. Tarun Khanna, Mr. Shivam  
Gaur, Mr. Rani Garg, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Rachita Garg, Mr. Agam  
Rajput and Ms. Preeti, Advocates  
for R-1.

Mr. N K Aggarwal, Senior Panel  
Counsel for R-3.

Mr. Ashish Aggarwal and Ms.  
Shivangi Shokeen, Advocates for  
R-4.

Mr. Ashutosh Gupta, ASC for  
MCD.

SI Rajinder, PS: Kotla Mubarak.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**27.11.2024**

1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of alleged and illegal construction in properties bearing nos. *C-24 and C-24A situated at Housing Society, Kotla Mubarakpur, New Delhi-110024* [“subject properties”].
2. It is the contention of the petitioner that unauthorised construction has been carried out by respondent no.4.
3. The Municipal Corporation of Delhi [“MCD”] has filed a status report dated 23.11.2024, in which it is stated that a demolition order has already been passed in respect of the properties on 18.11.2024 and MCD



proposes to take action after lifting of the ban upon construction and demolition activity under the Graded Response Action Plan–IV restrictions.

4. Learned counsel for respondent no.4 disputes that there is any unauthorised construction on the subject properties and reserves the right of respondent no.4 to take appellate remedies against the demolition order.

5. In view of the above, it appears that the grievance of the petitioner has been addressed by MCD. No further orders are, therefore, required in this writ petition, which stands disposed of.

6. Learned counsel for the respondent no.4 submits that the property of the petitioner bearing *No.C-25, Housing Society, Kotla Mubarakpur, New Delhi-110024* deviates from the sanctioned plan and is being used for unauthorised purposes. As far as this aspect is concerned, it is always open to statutory agencies to take action in accordance with law. No further orders, in this regard, are required in this writ petition.

7. It is made clear that the rights and remedies of the respondent no. 4 or any other owner/occupant of the property against the demolition order dated 18.11.2024 remain reserved. Further, in the event any demolition action is to be taken pursuant to the order, MCD will bear in mind the judgment of the Supreme Court dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

**PRATEEK JALAN, J**

**NOVEMBER 27, 2024/‘bh’/AL/**