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

+ **W.P.(C) 11809/2024**

SUNEET DARGAN & ANR.

.....Petitioners

Through: Mr. Kunal Bhatia and Mr.
Akshy Kumar, Advs.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS

.....Respondents

Through: Mr. Tushar Sannu and Mr.
Shobhan Sachdeva and Mr.
Hardik Saxena, Advs. for R-
1/DDA
Ms. Gouri Karuna Mohanti,
Adv. for R-2/MCD

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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28.08.2024

CM APPL. 49120/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 11809/2024

3. The petitioners are invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, for a direction to respondents No. 1 and 2, i.e., DDA and MCD respectively, for taking appropriate directions against the illegal and unauthorized construction in the property in question, carried out by respondents No. 3 to 9.
4. Learned counsel for DDA as well as learned counsel for MCD, are present on advance notice.



5. The grievance of the petitioner is that the respondents No. 3 to 9 of who are residing/occupying Flats Nos. 165, 48, 75, 61,14,162, 62 of Evergreen CGHS Ltd., Sector-7, Dwarka, New Delhi respectively, have started carrying out illegal and unauthorized constructions without any approved sanction plan from respondents No. 1 and 2. Hence, action is sought to be taken against them.

6. Learned counsel for respondent No.1 submits that the President as well as the Present Secretary of the Society besides the owners/occupants of the aforesaid flats have been issued notice under Sections 31(1) as well as 31A of The Delhi Development Authority Act, 1957 with directions to appear by way of last and final hearing before the Competent Authority i.e. Deputy Director of Building on 09.09.2024 between 03:00 PM to 04:30 PM. It is assured that appropriate action shall be taken against any illegal and unauthorized construction found at the site.

7. In view of the aforesaid statement made by learned counsel for the respondent No.1/DDA, the present writ petition is disposed of with the directions to the respondents no.1 and 2 to take appropriate action in accordance with law within a period of six weeks and after hearing the parties, pass a reasoned order. The said order be also shared with the petitioner.

8. The present writ petition is disposed of accordingly.

DHARMESH SHARMA, J.

AUGUST 28, 2024

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