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

+ W.P.(C) 13293/2024

ARJUN SINGH

.....Petitioner

Through: Mr. Sunil Prasad, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

AND ORS

.....Respondents

Through: Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Advocates for MCD.

Mr. Sanjeev Sabharwal, SPC with
Ms. Shweta Singh, Advocate for
R-2.

Mr. Ishaan S. Sharma, Mr.
Bhushan Kalia, Mr. Harshit
Dhamija, Advocates for DDA.

Mr. Satbir Singh, Inspector, PS-
Jaitpur.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **22.10.2024**

CM APPL. 62275/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL. 62274/2024 (for restoration)

1. This is an application for restoration of the petition, which was dismissed for non-prosecution on 23.09.2024.

2. For the reasons stated and with the consent of learned counsel for the respondents, the application is allowed and the writ petition is



restored to its original number.

3. With the consent of learned counsel for the parties, the writ petition is taken up for hearing.

W.P.(C) 13293/2024

1. The petitioner has approached this Court under Article 226 of the Constitution complaining of alleged unauthorised construction on property No. *B-56, Gali No. 1, Hari Nagar, Jaitpur Extn. Part-I, near Gayan Mandir, New Delhi – 110044* [“the property”].

2. According to the petitioner, the construction has been carried out by respondent Nos. 4 and 5.

3. Mr. Kapil Dutta, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject property has been inspected and unauthorised construction having been found, a show cause notice has been issued to the owners/occupants of the property on 20.09.2024. He states that pursuant to the show cause notice, the owners/occupants have filed a reply and a personal hearing has been granted to them, which is in progress.

4. Mr. Dutta submits that action in accordance with law will be taken after considering the reply and if any further action is required in respect of the subject property, necessary action will be taken as expeditiously as possible and practicable and, in any event, within eight weeks after conclusion of the hearing, subject to availability of police force.

5. In view of the above submissions, it appears that MCD is already seized of the matter regarding illegal construction on the subject property. No further orders are required in this writ petition, which stands disposed of.



6. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of owners/occupants of the subject property, whose rights and remedies available in law, are expressly reserved. MCD is directed to take action strictly in accordance with law, and after compliance of all statutory formalities.

7. The petition is disposed of in terms of the above.

PRATEEK JALAN, J

OCTOBER 22, 2024

“Bhupi”/