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

+ W.P.(C) 13969/2024 & CM APPL. 58454/2024

JASMEET SINGH BHATIA

.....Petitioner

Through: Mr. Abhishek Sharma and Ms.
Mahima, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Proxy counsel for Mr. Ashutosh
Gupta, Advocate for MCD.
Mr. Soumava Karmakar, SPC with
Mr. Amit Kumar Rana, Mr.
Nishant Singh and Mr. Aaryan
Varma, Advocates for R-3.
Ms. Savita Malhotra and Ms.
Suman Malhotra, Advocates for R-
4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.10.2024

1. The petitioner has approached this Court, under Article 226 of the Constitution, for a direction upon Municipal Corporation of Delhi ["MCD"] to demolish illegal construction at *House No. 650, Third Floor, West Parmanand Colony, Delhi-110009* ["subject property"]. It is the contention of the petitioner that the alleged illegal construction is being carried on by respondent No.4.

2. Learned counsel for MCD, appearing on advance notice, states that the subject property has been inspected and illegal construction having been found ongoing, action is contemplated against the property on

W.P.(C) 13969/2024

Page 1 of 2



Monday, i.e., 07.10.2024.

3. Ms. Savita Malhotra, learned counsel for respondent No.4, also appearing on advance notice, states that there is in fact no ongoing construction in the property, and respondent No.4 intends to approach the Appellate Tribunal of Municipal Corporation of Delhi [“ATMCD”]. Ms. Malhotra undertakes that respondent No.4 will approach the ATMCD within a period of two weeks from today, and in the meantime, no further construction will take place at the property.

4. In view of the above, MCD is directed to maintain vigil over the property and ensure that no further construction takes place. In the event that any further construction takes place within the next two weeks, MCD will be at liberty to take such action as available to it in law.

5. If respondent No.4 or any of the other owner/occupant of the property approaches the ATMCD within a period of two weeks stated above, MCD will abide by any directions that the ATMCD will give with regard to the proposed demolition action. In the absence of any interim relief in favour of the petitioner, MCD is free to take action in accordance with law and after compliance of all statutory formalities, after the lapse of the period of two weeks.

6. In view of the above, no further orders are sought in the writ petition. The writ petition, alongwith the pending application, is disposed of with the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 4, 2024//SS/