



\$~87

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

+ W.P.(C) 14029/2024, CM APPL. 58746/2024 & CM APPL. 58747/2024

ASHOK KUMARPetitioner

Through: Mr. Rohan Anand, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Arjun Mahajan, SC with Ms. Neha Rai, Mr. Apoorv U. and Ms. Jahnvi Singh, Advocates for MCD.
Mr. Rupinder Pal Singh, Advocate for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **07.10.2024**

1. The petitioner has filed this petition, under Article 226 of the Constitution, seeking action against alleged unauthorised construction at property bearing No. 3814-15, Dariba Pan, Gali Ram Nath patwa, Paharganj, New Delhi - 110005 [“subject property”].
2. According to the petitioner, the unauthorised construction is being carried out at the instance of respondent Nos. 2 and 3.
3. Mr. Rohan Anand, learned counsel for the petitioner, draws my attention to an order dated 20.08.2024, by which the Municipal Corporation of Delhi [“MCD”] had directed demolition of unauthorised



construction at the property.

4. Mr. Arjun Mahajan, learned Standing Counsel for MCD, and Mr. Rupinder Pal Singh, learned counsel for respondent Nos. 2 and 3, who appear on advance notice, submit that after the order dated 20.08.2024, the owners/occupants applied for revised sanction of a building plan, which was granted by order dated 19.09.2024. A copy of the revised sanction order has been handed up in the Court, and the same is taken on record.

5. Mr. Mahajan states that the revised sanction plan has been granted only in respect of use of the property for residential purposes, and after construction is completed, if any infraction of the sanction plan is found, necessary action will be taken.

6. In view of the fact that a revised sanction plan has been issued, of which the petitioner was apparently unaware, the writ petition is disposed of with liberty to the petitioner to challenge the revised sanction plan, in accordance with law, if he is so advised.

7. As far as the construction is concerned, Mr. Mahajan states that the subject property will be inspected after completion of the construction, and if there is any deviation against the sanction building plan, the same will be addressed in accordance with law, after compliance of all statutory formalities.

8. The writ petition is disposed of with the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 7, 2024/MR/