



\$~60

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

+ W.P.(C) 14203/2024

GULZAR ALI

.....Petitioner

Through: Mr. Hemant Choudhary, Ms. Pooja Marwah, Ms. Jyoti Madal & Mr. Vijay Kumar Tiwari, Advocates.
[M:-9891384449]

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Sharma & Mr. Mahender Shukla, Advocates for MCD.

Mr. Shashi Pratap Singh, Ms. Urvashi & Ms. Muskaan Garg, Advocates for R-3/STF.

Mr. Atul Krishna, Senior Panel Counsel for R-4/Delhi Police.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

08.10.2024

1. The petitioner has filed this petition under Article 226 of the Constitution with a prayer that a portion of 2501, *GF-Third Floor, Kucha Baqaulla Khan, Tiraha Beram Khan, Darya Ganj New Delhi-110002* and 2507, *Kucha Baqaulla Khan, Tiraha Beram Khan, Darya Ganj, New Delhi-110002*, be sealed and subsequently demolished as the constructions are illegal and unauthorised.
2. The petitioner claims to be resident at 2500, 2501, *Kuch Baqaulla Khan, Tiraha Beram Khan, Darya Ganj, New Delhi-110002*, which is on the ground floor of the same property. It is the petitioner's contention that



respondent Nos. 5 to 11 have constructed in the upper floors in a manner that imperils the structural safety of the building and the integrity of the petitioner's property.

3. Mr. Abhinav Sharma, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that the property has been inspected and no ongoing construction has been found. The construction appears to be old and occupied. However, some cracks have been noticed in the structure, for which the MCD will inspect the property and take such action as available to it in law expeditiously, and in any event within eight weeks from today.

4. Mr. Hemant Choudhary, learned counsel for the petitioner, accepts that there is no ongoing construction in the property, and states that his grievance arises out of the structural weakness in the building, to which Mr. Sharma has also referred.

5. As the grievance articulated by Mr. Choudhary is being addressed by MCD, Mr. Choudhary seeks no further directions in this writ petition.

6. The writ petition is therefore disposed of.

7. It is made clear that these submissions have been recorded without prejudice to the rights and remedies of respondent Nos. 5 to 11 or any other occupiers/owners of the subject properties. MCD is directed to act strictly in accordance with law, after compliance of all statutory formalities.

PRATEEK JALAN, J

OCTOBER 8, 2024/'pv'/