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

+ W.P.(C) 14666/2024, CM APPL. 61553/2024 & CM APPL.
61554/2024
RAM DEV GUPTAPetitioner

Through: Mr. Prashant Katara, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Ajjay Aroraa and Mr.
Kapil Dutta, Advocates for
MCD.
Ms. Shahana Farah, Ms. Sanna
Harta, Ms. Aparna Tripathi and
Ms. Shilpa Rajsekar, Advocates
for DDA.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
21.10.2024

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1. By way of this petition under Article 226 of the Constitution, the petitioner has approached this Court complaining of alleged unauthorised construction in property bearing C-229, at Village Chattarpur, Tehsil Saket, Chattarpur Enclave, Phase-II, New Delhi. [“subject property”]

2. Mr. Ajjay Aroraa, learned Counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that the subject property has been inspected and the entire construction from Ground Floor to 4th Floor has been found to be unauthorised. The MCD has issued show cause notices to the owners/occupants of the subject property on 18.10.2024,



and proposes to take further action after consideration of the replies to the show cause notices, if any. Mr. Arorra states that necessary action will be taken as expeditiously as possible, and preferably within a period of 8 weeks from today, subject to availability of police force.

3. In view of the above statement on behalf of the MCD, learned counsel for the petitioner states that no further orders are required in this writ petition, which stands disposed of, alongwith pending applications.

4. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of any 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 complying with all statutory formalities.

5. Learned counsel for the MCD has also pointed out that the genesis of the complaint appears to be a civil dispute between the petitioner and the respondents Nos. 3 and 4, arising out of an agreement to sell the subject property. It is unnecessary to adjudicate the writ petition on these grounds, in view of the statement of the MCD itself. The rights and remedies of the petitioner and respondents Nos. 3 and 4 in the civil suit will be adjudicated in accordance with law.

PRATEEK JALAN, J

OCTOBER 21, 2024/MR/