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

+ W.P.(C) 14684/2024 & CM APPL. 61680/2024

MS. KRISHNA

.....Petitioner

Through: Mr. Yogesh Chhabra and Mr. Pankaj Tyagi, Advocates.

versus

MCD & ORS.

.....Respondents

Through: Mr. Umang Tyagi, ASC with Mr. Punit Yadav, Advocate for MCD.
Mr. Somnath Bharti, Advocate for R-3.
Mr. Syed Abdul Haseeb, CGSC with Mr. Tanveer Zaki, Advocate for R-5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.10.2024

1. By way of this writ petition under Article 226 of the Constitution, the petitioner has approached this Court for action in respect of alleged unauthorised construction in *Plot No. 210-E, Shahpur Jat, New Delhi-110049*. [“subject property”]

2. It is the contention of the petitioner that her property is adjacent to the subject property. She had earlier filed a W.P.(C) 8842/2024 in respect of unauthorised construction in the property, in respect of which the Court had issued notice on 01.07.2024. The contention of the petitioner was then supported by the Municipal Corporation of Delhi [“MCD”]. The contention of MCD was recorded that it had requested the concerned Station House

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Officer to stop the unauthorised construction.

3. The petition was ultimately disposed of on 25.07.2024, recording that the grievance stood satisfied, in view of action taken by MCD.

4. The petitioner contends that the unauthorised construction had in fact been demolished at that stage, but an effort is being made to reconstruct on the subject property.

5. Learned counsel for the MCD and for respondent No. 3, who is stated to be the owner/occupier of the subject property are present on advance instructions. They contest the locus of the petitioner to institute the present petition and also submit that the petition has been filed *mala fide*.

6. Without prejudice to these contentions, learned counsel for MCD and respondent No. 3 state that no construction is ongoing on the subject property at present, and that the respondent No. 3 has applied to MCD for regularisation of the existing construction, which application remains pending.

7. In view of the aforesaid statements on behalf of the MCD and respondent No. 3, the writ petition is disposed of with the direction that respondent No. 3 will file an undertaking before the Court within three days from today, that no construction will be carried out in the property without due sanction, and until the regularisation application is disposed of.

8. The writ petition, alongwith pending application, stands disposed of.

PRATEEK JALAN, J

OCTOBER 21, 2024/MR/