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

+ **W.P.(C) 14777/2024**

KEHKASHAN

.....Petitioner

Through: Mr. Mohit Gupta and Ms. Seemab
Ali Fatima, Advocates.

versus

**MUNICIPAL CORPORATION
OF DELHI AND ORS**

.....Respondents

Through: Mr. Ashutosh Gupta, ASC with
Mr. Arman Mongam Advocate for
MCD.
Mr. Sanjeev Sabharwal, SPC for
SHO/UOI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.11.2024

CM APPL. 62084/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of alleged unauthorised construction in the 5/6th floor of property No. 1503, Sui Walan, Gali Kotana, Daryaganj, Delhi-110002 ["subject property"]. The petitioner also seeks action against alleged misuse of the ground floor of the subject property for repair or assembling of shock absorbers.

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2. It is the contention of the petitioner that the unauthorised construction and misuse of the property is being carried out at the instance of respondent No.3, who is her brother-in-law.

3. Learned counsel for the Municipal Corporation of Delhi [“MCD”] has handed over a status report dated 19.11.2024, in which it is stated that the entire construction in the subject property was found to be unauthorised and was booked on 23.10.2024. A show cause notice was also issued to the owners and occupiers of the property and a work stop notice was addressed to the Station House Officer, P.S. Chandni Mahal.

4. A copy of the show cause notice has been annexed to the status report. It has been noted therein that the ground floor to the fourth floor are old and residentially occupied. The show cause notice mentions construction up to the 5th floor.

5. Learned counsel for MCD states that further action pursuant to the said show cause notice will be taken after considering the reply, if any, in accordance with law.

6. As far as the allegation of misuse is concerned, learned counsel for MCD has taken instructions and states that the MCD has issued a general trade licence on 26.06.2024 in the name of one Mohd. Naeem for use of the ground floor for ‘shocker repair’. A copy of the same is handed over to the Court, and is taken on record.

7. In view of the fact that the allegations with regard to unauthorised construction are under consideration of MCD, learned counsel for the petitioner does not seek further orders in this regard. As far as the allegation of misuse is concerned, he states that the petitioner will approach the Monitoring Committee constituted by the Supreme Court as



the activity being carried out in the subject property is, according to the petitioner, non-conforming and polluting, or will take such other remedies which are available to her in accordance with law.

8. The petition is disposed of with these directions.

PRATEEK JALAN, J

NOVEMBER 20, 2024/bh/AL/