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

+ **W.P.(C) 15173/2024**

SANA MEHTAB

.....Petitioner

Through: **Mr. S.D. Ansari, Advocate.**

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: **Mr. Prabhat Kumar, Advocate for
MCD.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.10.2024

CM APPL. 63587/2024 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15173/2024 & CM APPL. 63586/2024 (for interim relief)

1. The petitioner has filed this petition under Article 226 of the Constitution for the following reliefs:

“a. Direct the Respondent not to take any coercive action in respect of Shops on ground floor bearing Pvt. No. 1,3, 4 and 8 at property bearing No. 243, situated at ward No. VII, Pathak Karor, Ajmeri Gate, Delhi-110006 without due process of law.

b. Any further appropriate writ/order/directions be also passed in favour of the petitioner and against the respondents as this Hon'ble Court deems fit and proper in the facts and circumstances of the case in the interest of justice”

2. Mr. S.D. Ansari, learned counsel for the petitioner, contends that certain unauthorised construction was regularised by her predecessor-in-



interest in the year 2020, whereafter the petitioner purchased the property on 12.04.2022. However, it is submitted that the Municipal Corporation of Delhi [“MCD”] is threatening further action in respect of the subject property. Mr. Ansari seeks a direction upon MCD to issue a show cause notice to the petitioner, prior to any coercive action against the property.

3. Mr. Prabhat Kumar, learned counsel for MCD, who appears on advance notice, states that further action is contemplated in view of the fact that further deviations have been found, after regularisation of the premises, in the first, second and third floor of the subject property. However, he submits that, before taking action, a show cause notice will be issued to the petitioner in accordance with law.

4. The petition is disposed of with the direction that if the MCD is contemplating any action against the subject property, it will issue a notice of at least five days to the petitioner. Notice will also be served upon the petitioner through learned counsel for the petitioner at the mobile number stated in the writ petition.

PRATEEK JALAN, J

OCTOBER 28, 2024

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