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

+ W.P.(C) 15414/2024, CM APPL. 64611/2024 & CM APPL. 64612/2024

MEENAKSHI PAHUJAPetitioner
Through: Mr. S.D. Ansari, Advocate.

versus

MUNICIPAL CORPORATION OF DELHIRespondent
Through: Mr. Vikas Chopra, SC with Mr. Neeraj Kumar, Advocate for MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.11.2024**

1. The petitioner has filed this petition, under Article 226 of the Constitution, for the direction against respondent-Municipal Corporation of Delhi ["MCD"] restraining them from taking any coercive action in the shape of demolition/sealing in respect of shops on ground floor bearing Pvt. No. 13 and 14 at property bearing No. 243, Ward No. VII, Pathak Karor, Ajmeri Gate, Delhi-110006 ["subject property"].
2. The petitioner claims to be the owner of the two shops at the ground floor of the subject property, having purchased the same in the year 2022 from the previous owners namely, Mr. Sushil Sharma, Mrs. Bimla Sharma and Mr. Sandeep Sharma. It is her contention that her predecessors in interest applied for regularisation of the property, which was approved by MCD vide order dated 23.01.2020.



3. Mr. Vikas Chopra, learned counsel for MCD, however, submits that unauthorised construction and deviations were found on the ground floor and first floor as well as wall raising at the second floor of the subject property. A show cause notice was issued on 14.12.2023, with regard to sealing of the subject property. The show cause notice was addressed to Mrs. Bimla Sharma, one of the predecessor in interest of the subject property and was also pasted on the subject property.
4. The MCD issued a sealing order dated 07.03.2024, and the subject property was subsequently sealed on 12.03.2024. The MCD has also issued vacation notices under Section 349 of the Delhi Municipal Corporation Act, 1957 on 07.10.2024 and 29.10.2024. The copies of the said orders have been handed over in Court and are taken on record. Copies have also been handed over to Mr. S. D. Ansari, learned counsel for the petitioner.
5. In view of the above, the writ petition is disposed of, with liberty to the petitioner to assail the aforesaid orders in accordance with law, if he is so advised.
6. The sealing action has been taken in respect of the first, second and third floors in terms of order dated 13.03.2024. However, the ground floor has not yet been sealed despite the orders having been passed in March, 2024. The parties are therefore directed to maintain *status quo* for a period of two weeks from today, and will thereafter be bound by the directions of the Appellate Tribunal for MCD.
7. 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 requirements.

8. The petition, alongwith the pending applications, is disposed of with the aforesaid directions.

PRATEEK JALAN, J

NOVEMBER 5, 2024/MR/