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

+ **W.P.(C) 15639/2024**

SH VIRESH KUMAR & ORS.

.....Petitioners

Through: Mr. L.S. Solanki, Dr. Anu Solanki,
Advocates with P-3 in Person. [M:-
9158908720]

versus

**MUNICIPAL CORPORATION
OF DELHI & ORS.**

.....Respondents

Through: Mr. Vikas Chopra, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.11.2024

CM APPL. 65600/2024(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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1. The petitioners have approached this Court under Article 226 of the Constitution, complaining of alleged unauthorised construction in the Fourth Floor/Terrace Floor of property No. 100, PU-Block, Pitampura, Delhi-110034 [“subject property”].

2. The petitioners are residents of various floors in the property. Their allegation is that respondent No. 2, who is a resident on the third floor of the property, is constructing on the terrace, which they all have rights to



in common.

3. Mr. Vikas Chopra, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that property has been inspected, and construction was found to be ongoing on the terrace floor without any sanction plan. MCD has therefore issued a stop work notice on 29.10.2024 and also proposes to issue a show cause notice to the owners/occupants of the property, including respondent No. 2, within a period of one week from today. Further action will be taken after considering the reply to the show cause notice, if any.

4. In view of the above submissions, no further orders are required in this writ petition, which stands disposed of.

5. Mr. L.S. Solanki, learned counsel for the petitioner, states that construction continues on the property despite the stop work notice dated 29.10.2024. MCD is free to inspect the property again and take such further steps as available to it in law.

6. It is made clear that these submissions have been recorded without prejudice to the rights and contentions of the owners/occupants of the property, including respondent No. 2, whose remedies are expressly reserved. MCD is directed to take further action strictly in accordance with law and after compliance with all statutory formalities.

PRATEEK JALAN, J

NOVEMBER 11, 2024

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