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

+ W.P.(C) 15680/2024 & CM APPL. 65845/2024 (*for direction*)

ROHIT SHARMA

.....Petitioner

Through: Mr. Devesh Kumar Malan,
Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Arjun Mahajan, Ms. Neha Rai,
Mr. Apoorv Upmanyu, Advocates
for MCD.
Mr. Kshitij Chhabra, SPC with Mr.
Bhanu Katyal, Advocate for R-3.
Mr. Prashant Sharma, Mr. Kanishq
Gaur, Advocates for R-4 with Mr.
Vishal Garg.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.11.2024

1. The petitioner has approached this Court under Article 226 of the Constitution complaining of alleged unauthorised construction in property No. A-27, Vishwakarma Colony, M.B. Road, Delhi – 110044 [“subject property”].

2. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that an order of demolition has already been passed in respect of the subject property. The unauthorised construction was first noticed in August 2024, and a show



cause notice was issued to the owners/occupants on 09.08.2024 in respect of the basement, ground floor and first floor of the property. On 12.08.2024 a stop work notice was also issued to the concerned Station House Officer [“SHO”]. As no reply was received to the show cause notice, MCD passed a demolition order on 20.08.2024 in respect of the basement, ground floor and first floor of the property. Further unauthorised construction was found when MCD inspected the property again in October 2024, and a second show cause notice has been issued on 21.10.2024, which also covers the second floor, third floor and fourth floor of the property. On 23.10.2024, the MCD issued a further notice to stop work to the SHO, on 14.11.2024. Copies of the said documents are taken on record.

3. The property has been identified in these documents as *A-270, Vishwakarma Colony, M.B. Road, Delhi – 110044*, which learned counsel for the MCD states, is the same property as shown in the photographs annexed to the writ petition.

4. Learned counsel for MCD states that further action will be taken pursuant to the demolition order as expeditiously as possible and action, at present, is scheduled to take place on 14.11.2024, subject to availability of police force. He submits that action will be taken, in any event, within a period of eight weeks thereafter.

5. Learned counsel enters appearance on behalf of the partners of one M/s Aparici Ceramic, which is stated to be a partnership firm of Ms. Meenakshi Garg and Ms. Suman Garg, who are the wife and mother of Mr. Amit Gupta. It is stated that Mr. Amit Gupta has wrongly been impleaded as respondent No. 4, whereas he, in fact, is not a partner of the



firm. Noting these contentions, the rights and contentions of the owners/occupants of the property, including the partnership firm are left open. They are free to take their legal remedies against the order or action taken by MCD.

6. Having regard to the fact that the stop work notice was issued in August 2024, it appears from the MCD's contentions that further construction has come up even thereafter, the concerned SHO is directed to render necessary assistance as may be sought by MCD and to ensure that no further construction takes place, and subject to further orders of the Appellate Tribunal for the MCD, if any.

7. In view of the aforesaid submissions on behalf of MCD, learned counsel for the petitioner does not seek any further orders in this writ petition, which stands disposed of, alongwith the pending applications.

PRATEEK JALAN, J

NOVEMBER 12, 2024

"Bhupi"/