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

+ W.P.(C) 15848/2024 & CM APPL. 66542/2024 (*stay*)

MOHIT KUMAR AND ANRPetitioners

Through: Mr. Mohit Kumar, Mr. M.K. Guru,
Advocates.

versus

MCD AND ORSRespondents

Through: Mr. Manu Chaturvedi, SC with
Ms. Devika Singh Roy
Chowdhury, Advocates for MCD.
Mr. Puneet Yadav, SPC for Delhi
Police.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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14.11.2024

1. The petitioners have approached this Court under Article 226 of the Constitution, complaining of alleged unauthorised construction in property *No. 16/18, old Rajinder Nagar, near Sindhi Gurudwara, Delhi* [“subject property”]. It is their contention that the construction is ongoing at the instance of respondent Nos. 3 to 5 herein.

2. Mr. Manu Chaturvedi, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that he has been instructed that the construction is being undertaken pursuant to a sanctioned plan dated 30.03.2023, which was approved under the *SARAL* Scheme. Mr. Chaturvedi states that, upon completion of



the construction, the property will be inspected, and in the event of any deviation from the sanctioned plan, necessary action, in accordance with law, will be taken.

3. At this stage, learned counsel for the petitioners, submits that the construction has been carried on without compliance of necessary safety measures, as a result of which their property, which is adjacent to the property under construction, has suffered damage. They reserve their right to file appropriate civil proceedings in this regard.

4. Further, Mr. Chaturvedi states that MCD will also inspect the ongoing construction and take necessary measures in the event of any non-compliance in this regard.

5. In view of the fact that the construction is apparently in accordance with the sanctioned plan, the writ petition, alongwith the pending application, is disposed of with the above observations.

6. However, petitioners are at liberty to challenge the sanctioned plan, if they are so advised, by institution of appropriate proceedings before the Appellate Tribunal for the MCD, under Section 347B of the Delhi Municipal Corporation Act, 1957.

PRATEEK JALAN, J

NOVEMBER 14, 2024

“Bhupi”/AL/