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

+ W.P.(C) 16653/2024 & CM APPL. 70442/2024

PRABHA

.....Petitioner

Through: Mr. Pankaj Tiwari, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Badar Mahmood, SC with Mr. Ammar Ahmad, Advocate for MCD.

Mr. Raj Kumar Yadav, Advocate for R-2.

Mr. Puneet Yadav, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.12.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged illegal construction in property *No. A-16, Thokar No. 6, Abul Fazal Enclave Part-2, Shaheen Bagh, adjoining Araabaik Restaurant, Khasra No. 353, 366, 367, 368 situated at Shaheen Bagh Okhla New Delhi – 110025* [“subject property”].

2. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that the subject property has been inspected on multiple occasions, and unauthorised construction has been found. As far as the basement to the second floor of the subject



property are concerned. MCD has issued a show cause notice on 08.10.2024 and has passed a demolition order on 18.10.2024. On 02.12.2024, a show cause notice has also been issued for the third, fourth and fifth floors of the subject property. He states that the second show cause notice will be adjudicated upon consideration of the reply thereto, if any. Further consequential action in terms of the orders passed will be taken expeditiously in accordance with law, after lifting of the Graded Response Action Plan-IV restrictions, and subject to availability of police force.

3. In view of the aforesaid statement on behalf of learned counsel for the MCD, Mr. Pankaj Tiwari, learned counsel for the petitioner, does not seek any further orders in this writ petition, which stands disposed of, alongwith the pending application.

4. The rights and contentions of the owners/occupants of the subject property are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory formalities, and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [W.P. (C) 295/2022 and connected matters].

PRATEEK JALAN, J

DECEMBER 3, 2024

“Bhupi/JM”/