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

+ W.P.(C) 16659/2024

SATBIR SINGH BHATI

.....Petitioner

Through: Mr. Rishi Pal, Mr. Jatin Kumar,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Kapil Dutta, Mr. Karan Kapur,
Advocates for MCD.
Mr. Rshighra Kumar, SPC with
Mr. Ankur Kashyap, Advocates for
R-3 and 4 with SI Naveen Kumar.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.12.2024

1. The writ petitioner claims to be the owner of *House No. 278, Wireless Colony, New Mangla Puri, Mandi Road, New Delhi - 110030* ["subject property"]. He has approached this Court under Article 226 of the Constitution seeking the following reliefs:

"1) Issue appropriate Writ to the order or direction in the nature of mandamus thereby directing the Respondent No. 1 to remove the tagging of unauthorised construction from the property bearing address ground floor, House No. 278, Wireless Colony, New Mangla Pun, mandi road, New Delhi-110030.

2) To direct the Respondent no. 1 to not create hindrance to repair the existing Ground Floor of property bearing address No. 278, Wireless Colony, New Mangla Puri, mandi road, New Delhi-110030 to make the house property habitable for purpose of use of residence by the



petitioner.

3) To recall the intimation of other compliances to departments as mentioned in the status report filed before the Hon'ble High Court of Delhi dated 11.09.2024 by the Respondent No. 1.

4) Any other order or direction which this court deem fit and proper may also be passed in favour of the petitioner.”

2. It is the contention of the petitioner that his property has been booked as unauthorised construction, and partial demolition has also been carried out by the Municipal Corporation of Delhi [“MCD”]. His grievance is that the ground floor of his property has also been tagged as an unauthorised construction, although it is protected by the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

3. Mr. Kapil Dutta, learned counsel for MCD, who appears on advance notice, submits that the property was the subject matter of an earlier writ petition (W.P.(C) 12349/2024), which was disposed of on 11.09.2024, in terms of a status report filed by MCD. The status report is also extracted in the said order at Annexure P-3 to the writ petition. MCD found that construction activity was ongoing on the ground floor and by way of raising columns and brick wall on the first floor of the subject property, without permission or a sanctioned plan. The construction activity was therefore stopped, and the ground floor was partially demolished. MCD had issued a show cause notice to the owners/occupants with regard to further action to be taken. In view of the aforesaid status report, the Court permitted the writ petitioner therein to withdraw the writ petition.

4. As far as further action on the subject property is concerned, I am informed that, pursuant to the show cause notice dated 05.09.2024, a demolition order has been passed by MCD on 17.09.2024. Learned



counsel for the petitioner submits, upon instructions, that the petitioner neither received the show cause notice nor the demolition order.

5. Without commenting on the correctness of this submission, MCD is directed to serve the show cause notice dated 05.09.2024 and demolition order dated 17.09.2024 upon learned counsel for the petitioner in the course of the day. If the petitioner wishes to challenge the same, he will be entitled to approach the Appellate Tribunal for the MCD [“ATMCD”], and parties will take further action consistent with any orders that ATMCD may pass.

6. The writ petition is disposed of with these directions.

7. It is made clear that this Court has not entered into the controversy between the parties on merits. All rights and contentions are left open.

PRATEEK JALAN, J

DECEMBER 3, 2024

“Bhupi/JM”/