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

+ **W.P.(C) 16719/2024 & CM APPL. 70716/2024**

SAMEER

.....Petitioner

Through: Ms. Priyadarshani Mishra,
Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

04.12.2024

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1. This petition is listed for the first time today. It is being listed in the 'Supplementary List' on an urgent application filed by the petitioner. On first call, a passover was sought on behalf of Mr. Sanjay Pal, learned counsel for the petitioner, but on second call, I am informed that he is out of station. I have therefore heard Ms. Priyadarshani Mishra, learned counsel for the petitioner, and Mr. Kapil Dutta, learned counsel for the Municipal Corporation of Delhi ["MCD"].

2. The reliefs sought in the petition are as follows:

"i) Issue writ of mandamus directed the respondents no. 1 to 4 to demolish the illegal and unauthorized construction and encroachment raised by the respondent no. 5 at S-25, S- Block, comprised in Khasra no. 260/1, Nafees Road, Jogabai Extension, Near Sughra Marriage Hall, Sughra Public School, Okhla, Jamia Nagar, New Delhi-110025, land measuring 200 Sq. Yds., immediately.



ii) To issue a writ of prohibition against the respondent no. 5 restraining them from raising further illegal and unauthorized construction at property/plot/land i.e. S-25, S-Block, comprised in Khasra no. 260/1, Nafees Road, Jogabai Extension, Near Sughra Marriage Hall, Sughra Public School, Okhla, Jamia Nagar, New Delhi-110025., land measuring 200 Sq. Yds.”

3. Mr. Dutta, who appears on advance notice, submits that the writ petition has been filed without any proof of identification of the petitioner.

4. Be that as it may, Mr. Dutta states that all the four properties in question, being: (a) *House No. 602, Ward No. 3, Teachers Colony, Mehrauli, New Delhi, (identified by MCD as 602-E, Ward No. 3, Teachers Colony, Mehrauli, New Delhi)* (b) *House No. 895, Plot No. 13 and 26, Ward No. 8, Maruti Competent, Mehrauli, New Delhi, (identified by MCD as Plot No. 15-16, 895, Maruti Competent, Ward No. 8, Mehrauli, New Delhi)* (c) *House No. 1064, Ward No. 7, Near Nirankari Bhawan, Mehrauli, New Delhi, and (d) Property bearing House No. 1093, Ward No. 1, Near Gali No. 2, Colony, Mehrauli, New Delhi (identified by MCD as Opp. 1093/2016, Ward No. 1, Church Compound, Mehrauli New Delhi)* [“subject properties”] have already been acted upon by MCD. A chart outlining the action taken in respect of each property has been handed up in Court and is taken on record.

5. As per MCD’s record, the following actions have been taken in respect of each of the subject properties:

- i) *House No. 602* has been booked for unauthorised construction on 27.08.2024 in the shape of Ground floor and raising of a reinforced concrete column (“RCC”) at First floor, and demolition order has also been passed by the Competent Authority on 06.09.2024.



Pursuant to a sealing order, which was passed on 01.11.2024, MCD has undertaken sealing action on 13.11.2024.

- ii) *House No. 895* was booked for unauthorised construction on 20.06.2024 in the shape of Basement floor and raising column at Ground floor, and has been further booked for unauthorised construction on 27.08.2024 in the shape of Ground floor and First floor. Pursuant to demolition/sealing orders already passed in respect of this property, MCD has undertaken sealing action on 13.11.2024.
 - iii) *House No. 1064* has been booked for unauthorised construction on 27.08.2024 in the shape of Ground Floor, First Floor and Second Floor, and demolition order has also been passed by the Competent Authority on 06.09.2024. Pursuant to a sealing order dated 01.11.2024, MCD has undertaken sealing action on 13.11.2024.
 - iv) *House No. 1093* was booked for unauthorised construction on 08.11.2023 in the shape of Ground floor, First floor, Second floor and Third floor and has been further booked on 03.01.2024 in the shape of Fourth floor. Demolition orders in respect of the said property has also been passed by Competent Authority on 23.11.2023 and 16.01.2024. Pursuant to sealing orders already passed in respect of this property, MCD has carried out demolition/sealing action on 10.01.2024 and 06.06.2024.
6. Mr. Dutta further states that further proceedings will be taken pursuant to the orders passed, upon lifting of the Graded Action Response Plan – IV restrictions, and subject to the availability of police force.
7. It appears from the above that MCD is seized of the issue of



unauthorised construction in the subject properties, and no further orders are required in this writ petition.

8. The petition, alongwith the pending application, is disposed of, in terms of the above submissions of MCD.

9. It is made clear that these submissions have been recorded without prejudice to the rights and contentions of any other parties, including the parties at whose instance the alleged encroachment has apparently taken place. MCD is directed to act 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 [WP (C) 295/2022 and connected matters].

PRATEEK JALAN, J

DECEMBER 4, 2024/MR/JM/