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

+ W.P.(C) 16798/2024

MR. VAKEEL AHMED

.....Petitioner

Through: Mr. R.K. Singh, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS.

.....Respondents

Through: Mr. Abhinav Singh, Mr. Ramneek
Mishra, Mr. Praveen K. Kaushik,
Advocates for MCD.
Mr. Vikrant N. Goyal, Mr. Nitin,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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05.12.2024

1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged illegal construction being raised by respondent Nos. 3 to 5 at property bearing *No. 3075-3077, Mirza Ahmed Ali Marg, Mohalla Shahganj, Kucha Pandit, Delhi-6* [“subject property”].
2. Mr. Abhinav Singh, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance instructions, states that, at present, the construction has been suspended due to Graded Response Action Plan-IV restrictions on construction of properties. However, the construction, that was being erected on the site, was the subject matter of a sanction plan dated 07.08.2024, issued to the owners/occupants of the subject property. He states that, upon preliminary inspection, it appears



that the construction is in consonance with the sanction plan. However, MCD will inspect the subject property again after completion of construction, and in the event of any deviation from the sanction plan, it will take necessary action in accordance with law.

3. In view of the above submissions, Mr. R.K. Singh, learned counsel for the petitioner, does not seek any further orders in this writ petition but reserves the right of the petitioner to challenge the sanction plan in accordance with law before the Appellate Tribunal for the MCD [“ATMCD”], if he is so advised.

4. The writ petition is disposed of with liberty as aforesaid.

5. The aforesaid submissions have been recorded without prejudice to the rights and contentions of the respondent Nos. 3 to 5 or any owners/occupants of the subject property and the persons in favour of whom the sanction plan is being issued. MCD is directed to act strictly in accordance with law, and after compliance of all statutory requirements, and if any demolition action is to be taken, MCD will also observe all the safeguards laid down by the Supreme Court in the judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [W.P. (C) 295/2022 and connected matters].

6. All rights and contentions of the parties are left open for adjudication before the ATMCD in the event an appeal is filed by the petitioner.

PRATEEK JALAN, J

DECEMBER 5, 2024

“Bhupi/JM”/