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

+ W.P.(C) 16989/2024

SYED MOHAMMAD DANISH & ORS.

.....Petitioners

Through: Mr. Shrikant S., Mr. Gautam
Malik, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ANR.

.....Respondents

Through: Mr. Nikhil Palli, Mr. A. S.
Chauhan, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.12.2024

CM APPL. 71923/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 16989/2024

1. Petitioner Nos. 1 and 2 are the owners of the third floor of the property bearing *No. 4346, Gali No. 4C, Ansari Road, Madan Mohan Street, Darya Ganj, Delhi* [“subject property”], whereas petitioner Nos. 3 and 4 are the owners of fourth floor. They have filed this petition under Article 226 of the Constitution, seeking a direction upon the respondents to temporarily de-seal the fourth floor of the property, to enable repair work, so that the third floor of the property is made habitable.

2. A writ petition [W.P.(C) 4036/2024] had been filed before this



Court, complaining of illegal construction on the fourth floor of the property. By an order dated 11.09.2024, the writ petition was disposed of, on the basis of a status report, which recorded that unauthorised construction was found on the fourth floor, and that the Municipal Corporation of Delhi [“MCD”] had taken action in that regard. MCD has since sealed the fourth floor.

3. The grievance of the petitioners is that the damage to the subject property has resulted in the apartments on the third floor becoming uninhabitable. They seek temporarily de-sealing of the fourth floor only for the purpose of repairs, so that the third floor can be made habitable.

4. Learned counsel for MCD, who appears on advance notice, states, upon instructions, that the fourth floor of the property will be de-sealed temporarily for a period of thirty days to enable the repair work to be carried out. The de-sealing will take place within ten days, and the subject property will be re-sealed thirty days thereafter.

5. It is made clear that after de-sealing the subject property, it will not be used for any other purpose, and the de-sealing is intended only to enable access to the subject property for the purpose of repair. The subject property will be inspected by MCD before it is re-sealed after thirty days.

6. In view of the above, learned counsel for the petitioner does not seek any further orders in the writ petition, which stands disposed of.

PRATEEK JALAN, J

DECEMBER 9, 2024

“Bhupi/JM”/