



\$~33

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

+ W.P.(C) 17213/2024

AAMIR

.....Petitioner

Through: Ms. Uzma Azeen, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Arjun Mahajan, Mr. Apoorv Upamanyu, Mr. Harsh Vashisht, Advocates for MCD.

Mr. Somraj, Ms. Shrutee Aradhana, Mr. Siddhant Goel, Advocates for UoI.

Mr. Tushar Sannu, Mr. Hansh Yadav, Advocates for DDA.

Mr. Shekhar Dasi, Mr. Md. Talha, Mr. Ayush Dassi, Advocates for R-6.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

13.12.2024

CM APPL. 73152/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 17213/2024 & CM APPL. 73151/2024 (stay)

1. The petitioner has approached this Court under Article 226 of the Constitution with regard to alleged unauthorised construction in property bearing No. 661/1, Gali No. 12, Zakir Nagar Jamia Nagar, Okhla, New



Delhi – 110025 [“subject property”].

2. According to the petitioner, the construction is being carried out at the instance of respondent No. 6 herein.

3. Mr. Arjun Mahajan, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that action has already been taken in the subject property. The show cause notice was issued on 10.10.2024 and a demolition order has been passed on 21.10.2024. However, action could not be taken due to intervention of Graded Response Action Plan – IV restrictions on construction and demolition activities on properties. Mr. Mahajan states that a work stop notice has also been issued on 15.10.2024 and the utility service providers have been duly notified. Mr. Mahajan states that further action will be taken expeditiously in accordance with law.

4. Mr. Shekhar Dasi, learned counsel for respondent No. 6, also appears on advance notice, and states that he has not received the show cause notice and the demolition order. The same are handed over by learned counsel for MCD to learned counsel for respondent No. 6 and are also taken on record.

5. In view of the submissions on behalf of MCD, Ms. Uzma Azeen, learned counsel for the petitioner, does not seek any further orders in this writ petition, which stands disposed of, alongwith the pending application.

6. It is made clear that these submissions have been recorded without prejudice to the rights and remedies of respondent No. 6 or owners/occupants of the subject property, whose statutory remedies 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* [WP (C) 295/2022 and connected matters].

PRATEEK JALAN, J

DECEMBER 13, 2024

“Bhupi/JM”/