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

+ W.P.(C) 17560/2024

MS MEENAL JAIN AND ANR

.....Petitioners

Through: Mr. R.K. Bhardwaj, Advocate.
[M:-9312710547]

versus

MUNICIPAL CORPORATION

OF DELHI AND ANR.

.....Respondents

Through: Mr. Ashutosh Gupta, ASC with
Mr. Arman Monga, Advocate for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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19.12.2024

CM APPL. 74778/2024(Exemption)

Exemption allowed, subject to all just exceptions

The application stands disposed of.

W.P.(C) 17560/2024 & CM APPLs. 74777/2024

1. The petitioners have approached this Court under Article 226 of the Constitution against a show cause notice dated 04.12.2024 issued by the respondent under Section 343 of the Delhi Municipal Corporation Act, 1957.
2. A copy of the show cause notice has been placed on record, which shows that an allegation has been made of unauthorised construction/deviation against a completion plan at the ground floor alongwith unauthorised construction at the entire first floor and part of the second floor of the property. The property has been described as “old and occupied”. The noticees were given 15 days’ time to submit their



reply to the show cause notice, failing which demolition action is contemplated.

3. The petitioners have also annexed to the writ petition, a copy of a reply filed by them on 11.12.2024.

4. Mr. Arman Monga, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits that proceedings are at the stage of adjudication of the show cause notice. A personal hearing has been scheduled on 23.12.2024 and notice thereof has been given to the petitioners. MCD proposes to take action only after hearing the petitioners and passing a demolition order, if necessary.

5. MCD is directed to pass a speaking order after considering the submissions of the petitioners. The order may be communicated to the petitioners, additionally through learned counsel appearing on their behalf in this petition.

6. Having regard to the judgment of the Supreme Court dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters], in order to enable the petitioners to take their remedies, in the event a demolition order is passed, MCD is directed not to take coercive action for a period of 15 days after communication thereof in terms of this order.

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

PRATEEK JALAN, J

DECEMBER 19, 2024/'pv'/