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

+ **W.P.(C) 13735/2018 & CM APPL. 53583/2018**

NEERU BUTAN & ORS

.....Petitioners

Through: Mr.Kushank Sindhu and
Mr.Benjamin Vanalavema,
Advocates with Petitioner No.1 in
person.

versus

HON'BLE LT. GOVERNOR & ORS

.....Respondents

Through: Ms.Richa Dhawan and Mr.Anuj
Chaturvedi, SC for MCD with
Ms.Harshita Maheshwari,
Advocate for MCD
Mr.Akhil Sachar, Mr.Sanjay bansal
and Ms.Sunanda Tulsyan,
Advocates for R-6 and 7
Maman

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.11.2024

1. The petitioners have filed this petition under Article 226 of the Constitution of India, complaining of illegalities in demolition and construction work in property No. *E-34, Anand Niketan, New Delhi* which is the property neighbouring the petitioner's residential property, i.e., *E-35, Anand Niketan, New Delhi*.

2. By an order dated 12.03.2019, it was recorded that the petitioner had confined this writ petition to prayer No.3, which reads as follows:



“3. Direct the Respondent No.2 to demolish the illegal constructions carried out by Respondent Nos. 6 and 7;”

3. During the course of this petition, two local commissioners were appointed, who submitted their reports and various orders were passed by this Court pursuant thereto.

4. By order dated 21.09.2023, it was noted that Municipal Corporation of Delhi [“MCD”] had found certain unauthorized constructions in the property, in respect of which it had booked the property on 11.09.2023 and issued a show cause notice to the owners/occupants. The parties were directed to file further affidavits taking into account the reports of the Local Commissioners and MCD was also permitted to take further action in accordance with law pursuant to the show cause notice issued by it.

5. MCD has now filed a further status report dated 01.11.2024, in which it is stated that the owners/occupants of the property filed an application/proposal for regularization of the existing construction, which has been approved by the MCD on 28.10.2024, subject to deposit of miscellaneous charges.

6. Mr. Chaturvedi, learned counsel for MCD, states that the non-compoundable deviations have been removed by the owners/occupants of the property and the compoundable deviations have been regularized in terms of the above order.

7. The grievance of the petitioner, at this stage, would, therefore, necessitate a challenge to the regularization order dated 28.10.2024, which lies before the Appellate Tribunal for the MCD.

8. In order to enable the petitioners to institute such a challenge, if



they are so advised, learned counsel appearing on behalf of MCD is directed to forward a copy of the regularization application along with its annexures and the regularization orders to learned counsel on record for the petitioners within three days from today.

9. The writ petition is disposed of with these directions, without prejudice to the rights and contentions of the parties in proceedings against the regularization order, if any.

PRATEEK JALAN, J

NOVEMBER 4, 2024

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