



\$~28

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

+ W.P.(C) 471/2024 & CM APPL. 2113/2024

PRAKASH BHARDWAJ

.....Petitioner

Through: Mr. D.V. Khatri and Mr. Harshad
Gupta, Advs.
M: 9312430140

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Ms. Ms. Shivangie Kumar and Mr.
Gaurav Kumar Arya, Advs. for R-1.
Ms. Sapna Chauhan and Ms.
Himanshi Sisodiya, Advs. for DDA.
Mr. V.P. Rana and Mr. Kunal Mittal,
Advs. for R-7 to 9.
M: 9811165700

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

16.04.2025

1. The present writ petition has been filed seeking directions to respondent nos. 1 to 6 to stop the illegal and unauthorized construction being carried out by respondent nos. 7 to 9, in the land bearing *Khata No. 69/72 in Khasra No. 46/13 (4-16), 18(4-16), 23(4-16) situated in the village Ranhola, Delhi-110043.*

2. It is noted that on the last date of hearing, i.e., 26th March, 2025, this Court had recorded as under:

“xxx xxx xxx



1. *Learned counsel for respondent nos. 7 to 9 has handed over a copy of the order dated 15th January, 2025, passed in W.P.(C) 482/2025. He submits that the Delhi Development Authority (“DDA”) had passed order dated 26th December, 2024 against the respondent nos. 7 to 9 for sealing and demolition of the property of the said respondents.*
2. *The said order dated 26th December, 2024, passed by the DDA, was challenged by respondent nos. 7 to 9 by way of the aforesaid writ petition, i.e., W.P.(C) 482/2025.*
3. *By the judgment dated 15th January, 2025, the said writ petition filed by the respondent nos. 7 to 9, has been allowed and the matter has been remanded back to the DDA for consideration of the matter afresh.*
4. *Thus, learned counsel for respondent nos. 7 to 9 submits that the present petition can be disposed of, in view thereof.*
5. *He further submits that respondent nos. 7 to 9 had also filed a writ petition with regard to regularization of the construction existing in their property.*
6. *He submits that the said writ petition has also been disposed of, with directions to the DDA to consider the application for regularization of the construction, done by respondent nos. 7 to 9 herein.*
7. *At this stage, learned counsel for DDA submits that she has been unable to take instructions and seeks some time.*
8. *Accordingly, at request, re-notify on 16th April, 2025.*

xxx xxx xxx”

3. Thus, it transpires that the Delhi Development Authority (“DDA”) had passed order dated 26th December, 2024 for taking action of sealing and demolition against the properties of respondent nos. 7 to 9. The said order had been challenged by the respondent nos. 7 to 9 by way of W.P.(C) 482/2025, titled as *Shri Tarif Singh and Others Versus Delhi Development Authority*. The said writ petition has been disposed of *vide* judgment dated 15th January, 2025, with the directions, as follows:

“xxx xxx xxx

1. *Petitioners seek quashing and setting aside of order dated 26.12.2024 issued by DDA under Sections 30(1) and 31(A) of the Delhi Development Act, 1957 in respect of warehouses in question.*
2. *The grievance coming from the side of petitioners is limited to the*



effect that pursuant to the show cause notice in question, petitioners had submitted a comprehensive representation supported with documents but these have not even been touched and considered while passing the impugned order.

3. Learned counsel for respondent-DDA appears on advance notice and submits that there is equally efficacious remedy available to the petitioners and they can always file statutory appeal against the aforesaid order in terms of DDA Act.

4. This Court has seen the impugned order dated 26.12.2024 and it seems that nothing else has been communicated to the petitioner and, therefore, it may be obviously quite difficult for the petitioners also to file appeal in absence of any reason being provided by the authority concerned while passing the aforesaid order.

5. After hearing arguments from both the sides and without prejudice to the rights and contentions of either of the party, the writ petition is allowed while directing the concerned authority i.e. Executive Officer (DA) to consider the matter afresh and to pass a reasoned and speaking order as expeditiously as possible, preferably, within a period of six weeks from receipt of copy of this order. It will be up to the competent authority to afford any opportunity of personal hearing to the petitioner.

6. Petition stands disposed of accordingly.

7. Registry is directed to send a copy of this order to DDA. 8. Needless to say, in view of aforesaid, impugned order does not survive anymore.

xxx xxx xxx”

4. This Court notes that the writ petition filed by respondent nos. 7 to 9 has been allowed and the matter has been remanded back to the DDA for consideration of the matter afresh.

5. This Court also takes note of the submission made by learned counsel appearing for respondent nos. 7 to 9 that another writ petition being W.P.(C) 3482/2025, titled as *Shri Tarif Singh and Others Versus Delhi Development Authority*, has also been filed on behalf of the said respondents.

6. The said petition has been disposed of *vide* order dated 20th March,



2025, wherein, the DDA has been directed to consider and decide the application for regularization of the respondent nos. 7 to 9.

7. Accordingly, it is directed that the DDA shall consider the case, as regards any action to be taken against respondent nos. 7 to 9, in accordance with law. Further, the DDA shall also take into account the averments that have been raised in the present writ petition.

8. Needless to state, if any of the parties are aggrieved by any order passed by the DDA, they have the liberty to seek their remedies, as per law.

9. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

APRIL 16, 2025/kr