



\$~80

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

+ **W.P.(C) 735/2025**

SUNIL GUPTA & ORS.

.....Petitioners

Through: Mr. Surya Kantvyas and Mr. Lakshay Jain, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Kunal Rawat, Advocate for MCD.

Mr. Moksh Arora, Mr. Santosh Ramdurg and Mr. Rehan Verma, Advocates for R-3/TPDDL along with Mr. Amit Singh, AGM, Legal.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.01.2025

%

CM APPL. 3638/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 735/2025 and CM APPL. 3637/2025

3. This writ petition is preferred on behalf of the Petitioners under Article 226 of the Constitution of India, for a direction to Respondent No.1 to remove and demolish the alleged encroachment/illegal construction of a balcony beyond the plot line on property bearing House No.WZ-202, Gali No.2, Sri Nagar Garden, Shakur Basti, Delhi as also a direction to Respondent No.3 to take requisite action for illegal shifting of electrical pole number 510-13/4/2/3 in the corner of the aforementioned property.
4. Issue notice.
5. Mr. Kunal Rawat, learned counsel accepts notice on behalf of Respondent No.1.

W.P.(C) 735/2025

Page 1 of 2



6. Mr. Moksh Arora, learned counsel accepts notice on behalf of Respondent No.3.
7. Learned counsel appearing on behalf of Respondent No.1, on instructions, states that on inspection of the property, illegal construction has been found in the balcony and steps are being taken to book the property during the course of the day and further action will be taken in accordance with law.
8. Learned counsel for Respondent No.3 submits that insofar as prayer (b) is concerned, electricity pole has been shifted and restored back to its original place.
9. The respective stands of MCD and Tata Power Delhi Distribution Ltd. are taken on record.
10. Accordingly, no further order is required to be passed at this stage. Any further action taken by MCD will be in consonance with applicable statutory provisions and judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291.***
11. This order is passed without prejudice to the rights and contentions of Respondent No.4. In case of any surviving grievance, Petitioners will be at liberty to approach the STF constituted by the Supreme Court in ***M.C. Mehta v. Union of India and Others, (2019) 12 SCC 730*** and ***M.C. Mehta v. Union of India and Others (Sealing Issue, in Re), (2019) 12 SCC 419.***
12. Writ petition stands disposed of along with the pending application.

JYOTI SINGH, J

JANUARY 21, 2025/YA