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

+ W.P.(C) 1193/2025

SAZIA PARVEEN

.....Petitioner

Through: Mr. Deepak Kohli, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Anuj Gupta, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.01.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking a direction to MCD to restrain Respondent Nos. 2 and 3 from carrying out illegal and unauthorized construction in 5th and 6th floor of M-78/8, Near Noor Jahan Masjid, Batla House, Jamia Nagar, Okhla, New Delhi and take further action in accordance with the Delhi Municipal Corporation Act, 1957 ('1957 Act').

2. Issue notice.

3. Mr. Anuj Gupta, learned counsel accepts notice on behalf of MCD and appearing on advance copy of the writ petition, hands over a set of documents which include an FIR dated 29.01.2025 registered against Mohd. Irshad and Rafi Khan the owners/occupiers of the premises in question as also a Show Cause Notice dated 29.01.2025 issued under Sections 344(1) and 343 of 1957 Act calling upon the owners/builders/occupiers to submit a reply within 15 days as to why orders of demolition under Section 343 of the 1957 Act be not passed. Copy of work stop notice dated 29.01.2025 sent to SHO PS Jamia Nagar is also handed over. Additionally, it is also pointed out



that on the same day, a letter has been sent to BRPL and DJB for disconnection of electricity and water connection, respectively in the subject premises. Copies of the documents handed over are taken on record. In light of this, it is submitted that further action will be taken in accordance with law.

4. In view of the fact that the show cause notice dated 29.01.2025, has been issued to Respondents No. 2 and 3/owners/occupiers/builders of the premises in question and 15 days time has been granted to file their reply, any further action will be taken by MCD on expiry of said period and depending on the response given by them, if any. Needless to state any further action by MCD will be compliant 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*.

5. This writ petition is disposed of, as no further order is required to be passed at this stage.

6. It is made clear that this order is passed without prejudice to the rights and contentions of Respondents No. 2 and 3. In case of any surviving/further grievance, Petitioner will be at liberty to take recourse to available legal remedies.

JYOTI SINGH, J

JANUARY 30, 2025/shivam