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

+ **W.P.(C) 1244/2025**

MURLI JETHWANI & ANR.

.....Petitioners

Through: Mr. Inderbir Singh Alag, Senior Advocate with Mr. Siddhant Juyal, Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Mr. Kapil Dutta, Advocate for MCD.
Mr. Niraj Kumar, Senior Central Government Counsel with Mr. Chaitanya Kumar, Advocate for R-2.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
31.01.2025

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CM APPL. 6179/2025

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

W.P.(C) 1244/2025

3. This writ petition is preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“a) issue a writ in the nature of mandamus or any other writ or order or direction directing the Respondents No.1 to identify all the properties in which unauthorized/ illegal commercial activities currently going on at various properties situated in the stretch from A-78 to A-73, Malviya Nagar, New Delhi –110017 (Specifically identified in the site plan attached with the present Petition as Annexure P6 and at Para 4(m) of the present Petition) and immediately take necessary action as per the provision of law to stop the unauthorized/ illegal commercial activities under the provisions of DMC Act:



b) issue a writ in the nature of Mandamus or any other writ, order or directions directing the respondents to immediately seal the sites of ongoing unauthorized/ illegal commercial activities currently going on at various properties situated in the stretch from A-78 to A-73, Malviya Nagar, New Delhi – 110017 (Specifically identified in the site plan attached with the present Petition as annexure P6 and at Para 4(m) of the present Petition);

c) issue a writ in the nature of Mandamus or any other writ, order or directions directing the Respondents to initiate appropriate civil as well as criminal proceedings against the wrongdoers for violating the relevant provisions of and DMC Act 1957, after identifying the same.”

4. Issue notice.

5. Counsels, as above, accept notice on behalf of the respective Respondents.

6. Mr. Dutta, learned counsel for MCD, on instructions from the Assistant Engineer of the concerned area, submits that the activities being carried out from the premises in question, which are subject matter of the writ petition, are impermissible under Master Plan for Delhi 2021(MPD 2021) and MCD is in the process of issuing notices to the owner/occupier of the premises in question and thereafter, further action will be taken in accordance with law.

7. In view of the stand taken by the MCD, no further order is required to be passed in this petition at this stage and the same is disposed of.

8. Needless to state that in case the Petitioners are aggrieved, they are at liberty to take recourse to legal remedies.

9. This order is passed without prejudice to the rights of owner/occupier of the premises in question, who are also free to take their remedies in case of any grievance.

JYOTI SINGH, J

JANUARY 31, 2025/shivam