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

+ **W.P.(C) 1322/2025 & CM APPL. 6517/2025**

JAHANARA BEGUM

.....Petitioner

Through: Mr. Mahmood Hasan, Mohd. Furqan
and Mr. Shoib Mahmood, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Mr. Abhinav Singh, Additional
Standing Counsel with Ms. Swega Agarwal,
Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.02.2025

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1. This writ petition is preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India seeking the following relief:-

“It is therefore most respectfully prayed that this Hon 'ble Court may be pleased to issue order/direction to the respondent no . 1 & 2 for stopping illegal and unauthorized construction activity being carried on forth and fifth floor property No. 19A Gali No . 5 West Laxmi Market Delhi-110051, and for removing illegal and unauthorized construction raised on forth and fifth floor of the above said property .”

2. Issue notice.

3. Mr. Abhinav Singh, learned Additional Standing Counsel accepts notice on behalf of the MCD and hands over a set of documents which show that a work stop notice dated 30.12.2024 has been issued to the SHO, PS: Jagatpuri in respect of the subject property. Show cause notice dated



21.01.2025 has been issued under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') to the owner/occupier/Respondent No. 2 calling upon her to file a reply within 15 days as to why order of demolition under Section 343 of the 1957 Act be not issued. Learned ASC, on instructions, further submits that on receipt of the reply of the owner/occupier of the premises in question, further action will be taken in accordance with law. Copies of the documents are taken on record and the same have also been furnished to the counsel for the Petitioner, during the course of hearing.

4. Considering the stand of the MCD, no further order is required to be passed at this stage in this writ petition.

5. Needless to state that MCD will take further action after complying with the applicable statutory provisions and keeping in view the judgment of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

6. Writ petition along with pending application stands disposed of in the aforesaid terms. In case of any surviving grievance, Petitioner will be at liberty to take recourse to appropriate legal remedies.

7. This order is passed without prejudice to the rights and contentions of Respondent No. 2.

JYOTI SINGH, J

FEBRUARY 03, 2025/shivam