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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1470/2025 and CM APPL. 7112/2025
DANISH SIDDIQUIPetitioner

Through: None.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Arjun Mahajan, SC with Mr.
Apoorv Upmanyu and Mr. Harsh Vashist,
Advocates for MCD.

Mr. Rajkumar Yadav, SPC with Mr. Vaibhav
Bhardwaj and Ms. Tripti Sinha, Advocates for
SHO.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.02.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India for a direction to MCD to take necessary action against illegal encroachment and construction carried out in Khasra No. 746, property bearing H-748, Block-H of Jaitpur Extension, Khadda Colony, Badarpur and Khasra No. 750, adjacent to H-726, Khadda Colony, Badarpur.
2. This is the third call in the matter. None appeared on behalf of the Petitioner on the matter being called earlier and none appears even on the third call.
3. Issue notice.
4. Counsels, as above, accept notice on behalf of the respective Respondents.
5. Appearing on advance copy of the writ petition, learned counsel for



MCD submits that on the basis of complaint filed by the Petitioner, which he has appended as Annexure P-5 to the present writ petition, show cause notices dated 29.01.2025 and 03.02.2025 under Sections 344 (1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') were issued to the owner/occupier/builder of property bearing House No. 748, Block-H, Khadda Colony, Jaitpur Extension, Part-II, New Delhi and House No. 749, adjacent to H-726, in front of H-758/A, Block-H, Khadda Colony, Jaitpur, New Delhi, respectively to show cause within 15 days why demolition order be not passed under Section 343 of the 1957 Act. Additionally, letter has been sent on 29.01.2025 to SHO, PS: Kalindi Kunj with respect to property No. H-748 for necessary action under Section 344(2) of the 1957 Act. Learned counsel points out that there is a variance in the properties mentioned in the complaint and those mentioned in the memo of parties and the body of the writ petition and the petition deserves to be dismissed on this ground.

6. In light of the fact that MCD has issued show cause notices to the owner/occupier/builder of the properties mentioned by the Petitioner in his complaint appended to the writ petition, no further order is required to be passed at this stage. Needless to state MCD will take necessary action after receipt of response to the show cause notices and in accordance with statutory provisions under the 1957 Act as also bearing in mind the steps required to be taken under the judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291.***

7. In case of any further grievance, Petitioner will be at liberty to take recourse to appropriate legal remedies. This order is passed without



prejudice to the rights and contentions of the owners/occupiers/builders of the subject properties.

8. Writ petition stands disposed of along with the pending application.

JYOTI SINGH, J

FEBRUARY 06, 2025/shivam