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

+ **W.P.(C) 1601/2025**

BRAJNANDAN LOHIA

.....Petitioner

Through: Mr. Vijay Datt Gahtori and
Mr. Shivam Gautam, Advocates with Petitioner in
person.

versus

MCD AND ORS

.....Respondents

Through: Ms. Shaurya Abrol, Advocate with
Mr. Vipin Kumar, E.E.(B.)-I/WZ, for Respondent
No.1/MCD.

Mr. Abhishek Khanna, SPC for Respondent No.2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **10.02.2025**

CM APPL.7789/2025

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

W.P.(C) 1601/2025 and CM APPL.7788/2025

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

"A. Civil Writ Petition under Article 226 of the Constitution of India, 1950 for issuance of writ in nature of Mandamus whereby the respondent no.1 be directed to take appropriate action i.e. demolishing the illegal structure occupied by the private respondents i.e. Respondent no. 3-6 as raised on the third floor of the structure i.e. A-181/3, (WZ-786), area measuring 67 square yards, part of Khasra No. 616, situated in the area of village Tihar and the colony known as Fateh Nagar, New Delhi 110018 as shown red in site plan.

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B. Civil Writ Petition under Article 226 of the constitution of India 1950 for issuance of writ in the nature of Mandamus whereby the direction be given to respondent no. 1 & 2 for assurance of right of equality, protection of life and properties to the petitioner.”

4. Learned counsel appearing on behalf of Respondent No.1/MCD on advance copy of the writ petition, on instructions from Mr. Vipin Kumar, E.E.(B.)-I/WZ, MCD, states that the property was booked and a show cause notice was issued to the owner/occupier/builder of the property under Section 344(1) and 343 on 12.02.2016 and necessary action will be taken in accordance with law. The assurance is taken on record.

5. Needless to state that any further action by the MCD will be in compliance of all the statutory provisions and keeping in mind the judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***. Needless to state if a requisition is received by the police for assistance and help, the same shall be rendered by the SHO of the concerned area.

6. The order is passed without prejudice to the rights and contentions of the private Respondents/Respondents No.3 to 6.

7. Learned counsel for Petitioner also urges that on account of unauthorised construction, huge damage is caused to his property, which is adjacent to the subject property. Liberty is granted to Petitioner to take recourse to appropriate remedies with regard to damages, etc.

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

JYOTI SINGH, J

FEBRUARY 10, 2025

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