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

+ W.P.(C) 840/2021 and C.M. APPL. 2143/2021

SHRI RAJ KUMAR AGGARWAL & ORS.Petitioners

Through: Mr. S.C. Singhal, Mr. Saideed
Kaushik and Ms. Ramika Munjhal, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Mr. Anand Prakash, SC with
Ms.Varsha and Mr. Salbeer Prajapati, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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19.02.2025

1. This writ petition is preferred by the Petitioners challenging notice under Section 349 of Delhi Municipal Corporation Act, 1957 ('1957 Act') dated 11.01.2021 issued by MCD directing the Petitioners to vacate property bearing No.6453, Factory Road, Nabi Karim, New Delhi. Case of the Petitioners is that the subject property was purchased by them from Sh. Jaspreet Singh on 22.07.2017, who in turn had purchased the property by a Sale Deed from Sh. Manmohan Singh on 30.06.2010. On 16.02.2018, Petitioners paid one time conversion charge amounting to Rs.85,480/- and Petitioner No.2 obtained trade license from MCD on 09.10.2018 valid up to 31.03.2021.

2. Petitioners aver that they were compelled to approach this Court as MCD illegally issued vacation notice dated 11.01.2021, despite the subject property being in existence prior to coming into force of the 1957 Act and there being no requirement of sanction building plan or completion certificate. By interim order dated 21.01.2021 Court had directed that no



coercive action shall be taken against the Petitioners consequent to the impugned notice dated 11.01.2021.

3. Learned counsel submits that without prejudice to the rights and contentions of the Petitioners, Petitioners have made an application to MCD for regularisation of the alleged unauthorised construction in the form of rooms and bathroom at First Floor and Second Floor in the premises and direction be issued to MCD to process the same in accordance with law.

4. Mr. Anand Prakash, learned Standing Counsel for MCD submits that Petitioners' application for regularisation of the unauthorized construction/deviation in the subject property has been received by MCD and the same shall be considered in accordance with law within a period of four weeks from today.

5. This writ petition is accordingly disposed of, without entering into the merits of the case, with a direction to MCD to dispose of the application made by the Petitioners within four weeks from today, in accordance with law. The decision so taken will be communicated to the Petitioners within one week from the date of the decision and Petitioners will be at liberty to take recourse to legal remedies in case of any surviving or further grievance.

6. Interim order dated 21.01.2021 shall continue to operate till the decision is communicated to the Petitioners and for a period of four weeks thereafter, to enable the Petitioners to avail the legal remedies, in the event the decision is against them.

7. Pending application stands disposed of.

JYOTI SINGH, J

FEBRUARY 19, 2025/shivam