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

+ **W.P.(C) 2009/2025**

SUKHVINDER SINGH

.....Petitioner

Through: Ms. Lovee Tyagi, Advocate.

versus

THE COMMISSIONER, MCD & ORS.

.....Respondents

Through: Ms. Anshula L. Bakhru, Advocate for
Respondent No.1 and 2/MCD.

Mr. Jatin Singh, Advocate for Respondent
No.3/SHO.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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17.02.2025

CM APPL.9468/2025

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

W.P.(C) 2009/2025

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

“a) Issue a writ of mandamus or any other appropriate writ directing the respondents no.1 to 4 to take stern action against respondent no.5 to stop respondent no.5 from encroaching over the street i.e. projection over municipal land by way of the illegal/unauthorized construction at property bearing no. WZ-3, Mukhram Park, Tilak Nagar, New Delhi-110018 which is totally in derogation and violation with the unified building bye laws; and/or

b) Issue a writ of mandamus or any other appropriate writ directing the respondents no. 1 to 4 to demolish the newly/recently constructed structure at the property bearing no. WZ-3, Mukhram Park, Tilak Nagar, New Delhi- 110018 which is totally illegal/unauthorized and has been constructed in total derogation with and against the unified building bye laws and municipal norms; and/or

c) Issue a writ of mandamus or any other appropriate writ directing the



respondents no.1 to 4 to immediately initiate departmental enquiry/investigation against the corrupt/concerned officials due to whose connivance, said illegal/unauthorized construction has taken place up to the multi storey building level; and/or

d) Issue a writ of prohibition or any other appropriate writ directing respondents no.1 to 4 to restrain respondent no.5 from using illegally dug bore well at the property bearing no. WZ-3, Mukhram Park, Tilak Nagar, New Delhi- 110018 in order to extract ground water and to shut it permanently;”

4. Issue notice.
5. Learned counsels, as above, accept notice on behalf of respective Respondents.
6. Ms. Anshula L. Bakhru, learned counsel appearing for MCD on advance copy of the writ petition, on instructions, submits that the subject property was constructed in accordance with the sanctioned building plan, however, some deviations were noticed in the property and the same has been booked. Show cause notice is being issued to the owner/occupier/builder of the subject property during the course of the day and further action will be taken in accordance with law and depending on the outcome of the reply to the show cause notice, if any.
7. Accordingly, this writ petition is disposed of taking the stand of MCD on record. Needless to state any further action will be after giving show cause notice to the owner/occupier of the subject property and considering his reply, if any. The action will be compliant with statutory provisions of the Delhi Municipal Corporation Act, 1957 as also 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.***
8. This order is being passed without prejudice to the rights and contentions of owner/occupier of the subject property and Respondent No.5



herein.

9. In case of any surviving/further grievance, Petitioner will be at liberty to take recourse to legal remedies.

JYOTI SINGH, J

FEBRUARY 17, 2025/B.S. Rohella