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

+ **W.P.(C) 2108/2025 and CM APPL. 9974/2025**

SAVINDER TANWAR

.....Petitioner

Through: Mr. Pawan Gupta and Mr. Sachin Gupta, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Umesh Kumar Burnwal, Standing Counsel for Respondent No.1/MCD.
Ms. Arti Bansal, SPC with Ms. Shruti Goel, Advocate for Respondent No.2/SHO.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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18.02.2025

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

"a) To direct respondent No.1 to demolish/seal/prohibit further unauthorized construction being raised by respondent No.3, located at Pradhan Baba Bina Khajaan Road, adjacent to the petitioner's property at A-69, Fatehpur Beri Main Road, Harswaroop Colony, New Delhi, as shown in the site plan.

b) It is essential for the relevant authorities to issue any other writ, orders, or directions in the facts and circumstances of the present case, which the Hon'ble Court may deem fit and proper in the interest of justice."

2. Learned counsel for Respondent No.1/MCD appearing on advance copy of the writ petition submits that show cause notice was issued on 17.02.2025 under Sections 344 (1) and 343 of the Delhi Municipal



Corporation Act, 1957 ('1957 Act') to Mr. Satpal, owner/builder of subject property bearing House No. A-69, Fatehpur Beri Main Road, Harswaroop Colony, New Delhi pointing out unauthorised digging in the basement and unauthorised construction in the entire ground and first floors and calling upon him to file reply within 15 days as to why demolition order be not issued under Section 343 of 1957 Act. It is submitted that show cause notice was issued based on an inspection carried out in the subject property and in terms of Section 344(2) of 1957 Act instance of unauthorised construction has been reported to the police authority with a request to have the construction stopped as also for removal of the construction material and tools as also to keep regular watch so that construction activity is not resumed. Learned counsel submits that further action will be taken in accordance with law. Copies of inspection report, show cause notice and letter dated 18.02.2025 written to the SHO, PS: Fatehpur Beri to keep a watch and ward on the construction have been handed over in Court and are taken on record.

3. In light of the stand of MCD that show cause notice has been issued to the owner/occupier of the subject property and police has been cautioned to keep watch and ward over the property to ensure no further unauthorised construction or digging work takes place, at this stage no further order is required to be passed. Any further action will be taken by MCD after examining the reply of the owner/occupier of the subject property and depending on its outcome as also in compliance with all applicable statutory provisions and following the guidelines laid down by the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291.***



4. In case of any further grievance, it will be open to the Petitioner to take recourse to appropriate legal remedies. This order is passed without prejudice to the rights and contentions of Respondent No.3 herein.
5. Writ petition stands disposed of along with pending application.

JYOTI SINGH, J

FEBRUARY 18, 2025/B.S. Rohella