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

+ **W.P.(C) 2203/2025**

MOHAMMAD ASLAM

.....Petitioner

Through: Mr. Rishabh Kapur, Advocate.

versus

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

Through: Mr. Rajan Tyagi, Standing Counsel
with Mr. Samar Partap Singh and Mr. Harpreet
Singh Sodhi, Advocates for MCD.

Ms. Prabhsahay Kaur, Standing Counsel with Mr.
Bir Inder Singh G., Advocate for DDA.

Mr. Dinesh Malik, Panel Counsel for Respondent
No.5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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25.02.2025

CM APPL. 10375/2025

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

W.P.(C) 2203/2025 and CM APPL. 10374/2025

3. This writ petition is preferred on behalf of the Petitioner seeking the following reliefs:-

“1. Pass an appropriate writ, order or direction directing the Respondent No.1 to demolish the illegal constructions undertaken by the Respondent No. 6 over his property at H-299, Gali No. 5, Jaitpur Extension Part - I, Gyan Mandir Road, Madina Masjid, Badarpur, New Delhi, as described in the Petition in a time-bound manner;

2. Pass an appropriate writ, order or direction directing the Respondents to file Action Taken Reports over the illegal constructions undertaken by the Respondent No. 6 over his respective property at H-299, Gali No. 5, Jaitpur Extension Part- I, Gyan Mandir Road, Madina Masjid, Badarpur, New Delhi, as described in the Petitioner”

4. Issue notice.



5. Counsels as above accept notice on behalf of the respective Respondents.
6. Learned counsel appearing on behalf of MCD submits that the subject property has been inspected and it was found that the occupant of the property has constructed a parapet wall on the second floor of the property upto a height of approximately 7 feet, which is beyond the permissible limit of 4 feet and is therefore an unauthorized construction. On instructions, it is submitted that necessary action will be taken after issuing a show cause notice to the occupant/owner of the subject property and on receipt of his response, in accordance with law.
7. Stand of MCD is taken on record and writ petition is disposed of directing MCD to take action in compliance with applicable statutory provisions and guidelines laid down by the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***, after putting the owner/occupier of the subject property to notice and seeking his response.
8. In case of any surviving/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 owner/occupier/builder of the subject property.
9. Writ petition along with pending application stands disposed of.

JYOTI SINGH, J

FEBRUARY 25, 2025/YA/shivam