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

+ W.P.(C) 2278/2025

PAWAN KUMAR SARASWAT

.....Petitioner

Through: Mr. P.N. Dhar, Mr. Anmol Singh and
Mr. Pawan Kr. Saraswat, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ANR.

.....Respondent

Through: Ms. Arti Bansal, Additional Standing
Counsel with Ms. Shruti Goel, Advocate for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.02.2025

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

“i) To issue a Writ Mandamus or any other another appropriate Writ, Order or Direction against the Respondent No. 1 MCD for stopping the Unauthorized Construction in P.NO. 3632, Sighara Chowk, Katra Karigaran, Sadar Bazar, Delhi-06 including the Roof/Terrace of the Fourth Floor above the Third Floor with one shanty in any manner whatsoever till the MCD does not give the permission as per law.

ii) To direct the Respondent No. 2 not to carry out any construction whatsoever of any nature illegally without the permission of Respondent No. 1 MCD as prescribed under law as well as submit the structural stability certificate immediately so that no untowards incidents may occur during the pendency of the present petition.”

2. Issue notice.

3. Ms. Arti Bansal, learned Additional Standing Counsel accepts notice on behalf of Respondent No. 1

4. Appearing on advance copy of the writ petition, learned Additional Standing counsel for MCD submits that on noticing the unauthorized construction in subject property bearing No. 3632, Sighara Chowk, Katra



Karigaran, Sadar Bazar, Delhi, the same has been booked and show cause notice dated 24.02.2025 under Sections 344 (1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') was issued to the owner/occupier/builder of the subject property to show cause within 15 days as to why demolition order be not passed under Section 343 of the 1957 Act. FIR has also been registered on 24.02.2025 against the owner/occupier/builder of the subject property. Copies of the show cause notice and FIR are handed over and are taken on record.

5. In light of the fact that MCD has issued show cause notice to the owner/occupier/builder of the subject property, no further order is required to be passed at this stage. Needless to state further action will be taken by MCD after receipt of response to the show cause notice, if any, and depending on the stand taken by the owner/occupier. Any action taken will be compliant 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*. In the meantime, however, it shall be ensured by MCD and the Police officers of the area concerned that no further unauthorized construction is carried on.

6. In case of any 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.

7. Writ petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 24, 2025/shivam