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

+ **W.P.(C) 2596/2025 & CM APPL. 12381/2025**

P.S. RAJESWARI & ANR.

.....Petitioners

Through: Mr. Gautam Narayan, Senior Advocate with Mr. Gurjas Singh Narula and Mr. Tushar Nair, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Rajan Tyagi, Standing Counsel with Mr. Samar Pratap Singh and Mr. Harpreet Singh Sodhi, Advocates for R-1/MCD.

Mr. Akhil Mittal Additional Standing Counsel with Ms. Narita Gupta, Advocate for R-2 and 3.

Mr. Mukul Singh, CGSC with Ms. Ira Singh and Mr. Aryan Dhaka, Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.03.2025

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CM APPL. 12380/2025

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

W.P.(C) 2596/2025

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

“a. Issue a writ, order or direction in the nature of mandamus to Respondent No. 1 to 4 to demolish / take action against the illegal and unauthorised construction made by Respondent No.5 to 7 at property bearing no. D-10/C, D-10/E, D-10/G, Munirka DDA Flats, New Delhi-110067;



b. Issue a writ, order or direction in the nature of mandamus to the Respondent No. 1 to 4 to remove the illegal construction i.e., balconies made by Respondent No.5 to 7 right above the Petitioner's property;

c. Issue a writ, order or direction in the nature of mandamus to the Respondents to repair the damage caused to the Petitioner's property in a time bound manner;

d. Issue a writ, order or direction in the nature of mandamus to Respondents to compensate the Petitioners for the damage caused to their property;

e. Issue a writ, order or direction in the nature of mandamus to Respondents to compensate the Petitioners for the harassment, loss and mental agony and trauma caused to them."

4. Issue notice.

5. Learned counsels, as above, accept notice on behalf of the respective Respondents.

6. Learned Standing Counsel for the MCD submits that the properties bearing No. D-10/C, D-10/E, D-10/G, Munirka DDA Flats, New Delhi ('subject properties') have been booked and three show cause notices under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') have been issued on 27.02.2025 to Mr. Vinod Kumar/Respondent No. 5, owner of the first floor, Mr. Abhimanyu/Respondent No. 6, owner of the second floor and Ms. Walia/Respondent No. 7, owner of the third floor, to show cause within 7 days as to why the order of demolition under Section 343 of 1957 Act be not passed in respect of unauthorised construction which is noticed in the form of excess coverage/deviation against the sanction plan.

7. Additionally, it is submitted that the work stop notice has been issued and sent to the SHO PS: Kishangarh on 28.02.2025 to ensure that the unauthorised construction is stopped and the construction material, tools etc., as also the labourers are removed from the site in question. The work



stop notice dated 28.02.2025 and three show causes notices have been handed over in the Court and are taken on record. Documents have also been handed over to Mr. Gautam Narayan, learned Senior Counsel for the Petitioners.

8. At this stage, no further orders are required to be passed in the writ petition, save and except, directing that further action will be taken after receipt of the replies to the show cause notices issued to Respondents No. 5 to 7/owner/occupier of the subject property and depending on their stand.

9. Needless to state that MCD's action will be compliant with the applicable statutory provisions and keeping in view guidelines laid down by the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

10. In case of any surviving grievance, Petitioners will be at liberty to seek revival of this writ petition.

11. It is clarified that this order is passed without prejudice to the rights and contentions of the Respondent Nos. 5 to 7.

12. Writ petition along with pending application stands disposed of.

JYOTI SINGH, J

MARCH 03, 2025

S.Sharma