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

+ **W.P.(C) 2776/2025**

SATINDER PAL SINGH

.....Petitioner

Through: Mr. M.S Bammi, Ms Lovee Tyagi
and Ms Meenakshi Tyagi, Advocates.
versus

**THE COMMISSIONER MCD OF DELHI
& ORS.**

.....Respondents

Through: Mr. Siddhant Nath, Standing Counsel
with Mr. Bhavishya Makhija and Mr. Armaan
Khan, Advocates for MCD.
Mr. Neeraj Dubey (SPC) for R-3.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
05.03.2025

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C.M. APPL. 13181/2025

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

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3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the 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-195/A, Gali No.4, Virender Nagar, New Delhi-110058 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-195/A, Gali No.4, Virender Nagar, New Delhi-110058 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-195/A, Gali No.4, Virender Nagar, New Delhi-110058 in order to extract ground water and to shut it permanently; and/or”

4. Issue notice.
5. Counsels, as above, accept notice on behalf of the respective Respondents.
6. Learned counsel for MCD appearing on advance copy of the writ petition, on instructions, submits that the subject property has been booked and show cause notice dated 03.03.2025 under Sections 344 (1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') was issued to Mr. Biswa Das, who is owner/occupier/builder of the subject property to show cause within 15 days as to why demolition order not be passed under Section 343 of the 1957 Act in respect of the construction in the stilt, ground floor, first floor and second floor in the shape of excess coverage beyond the compoundable limits and projections on municipal land as also for raising columns on the third floor. Letter has also been sent on 04.03.2025 to the SHO, PS: Hari Nagar bringing to his notice the unauthorized construction and for taking action under Section 344(2) of the 1957 Act including stopping the work and also removing the construction material including the tools and machinery etc. from the property in question. Copies of the show



cause notice and letter dated 04.03.2025 are taken on record.

7. 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, MCD will take necessary action after receipt of response to the show cause notice and in accordance with statutory provisions under the 1957 Act as also bearing in mind the guidelines laid down by the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*. The officials of the MCD and the SHO of the concerned area will ensure that no further unauthorized construction takes place.

8. 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.

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

JYOTI SINGH, J

MARCH 05, 2025/shivam