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

+ **W.P.(C) 3095/2025**

RAJENDRA ADHIKARI

.....Petitioner

Through: Mr. Ritaj Kalker, Ms. Divya Rastogi,
Ms. Ishaa Srivastava, Mr. Jai Choudhary and Mr.
Pramarth Gupta, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Mr. Kapil Dutta and Mr. Abhinav
Singh, Advocates for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

11.03.2025

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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 relief:-

“(a) Issue an appropriate writ, order or direction for Directing the Respondent to take action against the illegal construction and encroachment at the common area of the residential society of the petitioner.”

2. Issue notice.

3. Mr. Kapil Dutta, learned counsel accepts notice on behalf of MCD and appearing on advance copy of the writ petition submits that show cause notice dated 07.03.2025 under Sections 344 (1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') has been issued to Shri Lalit Berry, owner/occupier/builder of the subject property bearing No. C-236, SFS Flats, Sheikh Sarai, Phase-I, New Delhi on account of excess coverage/deviations against standard DDA plan and projection at second and third floors and further unauthorized construction in the shape of rooms and



bathroom etc., at the terrace of the third floor. It is submitted that the unauthorized construction exists in the property, which is a residential property and is currently occupied. 7 days' time has been given to the owner/occupier to respond as to why demolition order be not passed under Section 343 of the 1957 Act and further action will be taken on receipt of the reply, if any and depending on the response.

4. Mr. Dutta, further points out that unauthorized construction/deviations exists in the property of the Petitioner also bearing No. C-235, Triveni Apartments, SFS Flats, Sheikh Sarai, Phase-1, New Delhi and show cause notice is being issued by MCD.

5. In light of the stand taken by MCD and issuance of show cause notice dated 07.03.2025, copy of which is taken on record, no further order is required to be passed in the present writ petition, save and except, directing that further action by MCD will be taken on receipt of reply to the show cause notice, if any, and depending upon the outcome of the hearing and will be compliant with applicable statutory provisions as also guidelines laid down by the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

6. 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.

7. Writ petition is accordingly disposed of.

JYOTI SINGH, J

MARCH 11, 2025/shivam