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

+ **W.P.(C) 3136/2025**

RAJINDER PRASAD AGGARWAL

.....Petitioner

Through: Mr. Rishi Manchanda and Mr. Sachin
Bandooni, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Ms. Shilpa Dewan, ASC for
Respondent No.1/MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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12.03.2025

C.M. APPL. 14819/2025

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

W.P.(C) 3136/2025 and CM APPL.14818/2025

3. This writ petition is preferred on behalf of the Petitioner alleging illegal and unauthorised construction in the subject property bearing No.79, Amritpuri Garhi, New Delhi.
4. Learned counsel for the MCD, appearing on advance copy of the writ petition submits that show cause notice under Sections 344 (1) and 343 of the Delhi Municipal Corporation Act, 1957 ('DMC Act') has been issued on 05.03.2025 to Nirmal Goyal, owner/builder of the subject property, as per local enquiry, in light of unauthorised construction in the shape of Third Floor without sanctioned building plan as also for raising column and brick walls at Fourth Floor. It is further submitted that Ground, First and Second



Floors are old and occupied. 15 days' time has been granted to Mr. Nirmal Goyal to file a response to the show cause notice as to why demolition order be not passed. On 05.03.2025, letter was sent to SHO, PS: Amar Colony to ensure that unauthorised construction stops and building material, etc., are removed from the site. Copies of the show cause notice and letter to the SHO are handed over to counsel for the Petitioner as also to the Court and are taken on record.

5. Learned counsel for MCD additionally states, on instructions, that personal hearing is fixed for 18.03.2025 and after hearing Mr. Nirmal Goyal, and depending on the outcome of the hearing, further action will be taken by MCD in accordance with law.

6. In light of the stand taken by MCD and issuance of show cause notice dated 05.03.2025, 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.***

7. 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.

8. Writ petition is disposed of along with pending application.

JYOTI SINGH, J

MARCH 12, 2025/B.S. Rohella