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

+ **W.P.(C) 3151/2025**

RASHIDUDDIN MALIK

.....Petitioner

Through: Mr. N.U. Ahmed, Mr. Anil Kumar
Yadav and Mr Afsar Bano, Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Siddharth Gupta, Advocate for
R-2/MCD.

Ms. Prabhsahay Kaur, Standing Counsel with Mr.
Bir Inder Singh Gurm and Ms. Kavya Shukla,
Advocates for R-3/STF.

Mr. Kriti Uppal, Senior Advocate with Mohd.
Amanullah, Ms. Shahin Avli and Mr. M.B. Tariq,
Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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12.03.2025

CM APPL. 14849/2025

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 alleging illegal construction on plot bearing Nos. 45 and 45B, admeasuring 500 sq. yards, part of Khasra No. 378/172, situated at Johri Firm Okhla Jamia Nagar, New Delhi ('subject property').



4. Issue notice.
5. Learned counsels, as above, accept notice on behalf of the respective Respondents.
6. Learned counsel for MCD hands over a copy of the show cause notice dated 22.02.2024 issued to Respondent No. 4/Shri Akram/owner/builder of the subject property as also a letter dated 14.02.2024 sent to SHO, PS: Jamia Nagar, Delhi to ensure that unauthorised construction in the form of stilt floor and raising column and walls at ground floor without sanction building plan is stopped and construction material etc., is removed from the site. Copies of the documents are handed over to Mr. Kirti Uppal, learned Senior Counsel for Respondent No. 4 and counsel for the Petitioner and are taken on record.
7. Mr. Uppal, while denying the receipt of any show cause notice, submits that Respondent No. 4 will be satisfied at this stage if a personal hearing is given to him to put forth his case that he has not carried out any unauthorised construction. Petitioner's counsel has no objection to this course of action.
8. Accordingly, without entering into the merits of this case, this writ petition is disposed of, directing MCD to grant a personal hearing to Respondent No. 4 within three weeks from today, for which time, date and venue shall be intimated to Respondent No. 4 in writing, in advance. It will be open to Respondent No. 4 to furnish necessary documents and/or written representation in support of his case.
9. MCD is at liberty to take necessary action after the personal hearing and depending upon its outcome. Needless to state, the action, if any, 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 case of any surviving/further grievance, Petitioner is at liberty to take recourse to appropriate legal remedies.

10. At this stage, Mr. Uppal expresses an apprehension that this order may be construed by the Petitioner as granting ownership of the subject property on him. It is made clear that this Court has not entered into or expressed any opinion with respect to ownership of subject property and this order is limited to the allegations of unauthorised construction against Respondent No. 4.

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

JYOTI SINGH, J

MARCH 12, 2025
S.Sharma