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

+ **W.P.(C) 4952/2023**

**GURPREET SINGH & ORS.** .....Petitioners

Through: **Mr. Karan Sachdeva, Advocate.**

versus

**MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents**

Through: **Mr. Sunil Goyal, ASC with Mr. Nitish Tiwari and Ms. Shivani Tayal, Advocates for Respondent No.1/MCD.**

**Mr. Sanjay Kumar Aggarwal, Mr. Vikram Aggarwal and Mr. Hardik Salwan, Advocates for Respondent No.2.**

**SI Rahul Malik, PS: Kotwali, for Respondent No.4/SHO.**

**CORAM:**

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

**ORDER**

**12.02.2025**

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1. This writ petition is preferred on behalf of Petitioners under Article 226 of Constitution of India seeking the following reliefs:

*“(a) Issue writ of Mandamus or any other writ directing the Respondent No. 1 i.e., MCD for taking action for demolition, sealing and removal of the entire unauthorised construction carried out on Property No.4848, Katra Subhash, Chandni Chowk, Delhi-110006.*

*“(b) Direct the Respondent No.1 & 4 not to allow any further construction over the said property and the said property be also booked under the relevant provisions of DMC Act for unauthorised and illegal construction.”*

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2. Status report has been filed on behalf of MCD, in which it is stated that after receiving a complaint regarding unauthorised construction in property bearing No.4848, Katra Subhash, Chandni Chowk, Delhi, the same was inspected on 05.04.2023 by the field officials and upon noticing the unauthorised construction, work stop notice dated 05.04.2023 was issued to SHO, PS: Kotwali to ensure that no further unauthorised construction is carried out in the subject property. Simultaneously, unauthorised construction in the shape of Third Floor (Part) and projections on municipal land (Second Floor) were booked under Sections 343 and 344 of the Delhi Municipal Corporation Act, 1957 on 17.04.2023. After following due process of law, demolition order was passed on 03.05.2023 directing the owner/builder to demolish the unauthorised construction within six days.

3. It is further stated that as the noticee failed to comply with the demolition order dated 03.05.2023, action was planned for demolition on 13.06.2023 and on the said date, roof slab of Third Floor was punctured/demolished and the brick walls, doors and windows were removed and the girders were cut down with the help of gas cutter. Watch and ward letter dated 13.06.2023 was issued to the SHO, PS: Kotwali to keep strict watch and ward over the demolished property so that no re-construction is carried out. Further demolition action was planned for 13.07.2023 and 14.08.2023 but no action could be taken due to absence of police force and shortage of time. It is stated that letters dated 05.06.2023 were issued to Tata Power Delhi Distribution Limited and Delhi Jal Board for disconnection of electricity and water supply respectively.



4. Learned counsel for MCD submits that after the status report was filed, as per his instructions, complete demolition has been carried out and no further action is warranted by MCD.

5. Learned counsel for Respondent No.2/owner of the subject property submits that because of the demolition action by MCD, roof of Second Floor of the subject property has been damaged and therefore, permission be granted only to repair the said roof.

6. In light of the action taken by MCD with respect to the subject property, no further order is required to be passed in the present writ petition and the same is, accordingly, disposed of.

7. It is open to Respondent No.2 to make an application to MCD seeking permission to repair the roof on the Second Floor of the subject property and as and when an application is made, MCD will consider the same in accordance with law. It will be open to Respondent No.2 to take recourse to legal remedies in case of any surviving grievance.

**JYOTI SINGH, J**

**FEBRUARY 12, 2025**

*B.S. Rohella*

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