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

+ W.P.(C) 4447/2025

SMT. SUNITA POPLI

.....Petitioner

Through: Mr. Kumar Utkarsh, Mr. Manoj
Kumar, Advocates (M:9662778086)

versus

MUNICIPAL CORPORATION OF DELHI & ANR.....Respondents

Through: Mr. Sanjay Vashishtha, SC-MCD
with Ms. Gunjan Rathore, Mr.
Siddhartha Goswami, Advocates for
MCD (M:9999753811)
Mr. Shashank Singh, Mr. Kapil Dev
Vishwakarma, Advocates for R-2
(M:9899506150)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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07.04.2025

1. The present petition has been filed with prayers for directions to take action against respondent no. 2, for construction over the roof/terrace of the third floor of the property, bearing *Plot No. 183, Block F-2, Sector 16 Rohini, New Delhi*. It is submitted that such construction has been done by the respondent no. 2, without obtaining legal and valid permission, NOC, approval/ sanction from the concerned authority, as per law.
2. It is prayed that the entire construction on fourth floor, over the roof/ terrace of third floor of the property in question, be demolished.
3. It is submitted that the petitioner stays on the ground floor of the property, and purchased the property only recently in May, 2024. It is submitted that it is only after purchase of the said property that the petitioner



discovered about the unauthorized construction, having been done.

4. It is submitted that on account of unauthorized construction by respondent no. 2, the petitioner is not able to enjoy the ground floor of the property, wherein, various problems like seepage, etc. has occurred.

5. Issue notice. Notice is accepted by learned counsel for respondent no.1-Municipal Corporation of Delhi (“MCD”).

6. He submits that the property in question was inspected today morning. He submits that no construction is going on, as of now.

7. He submits that some more time would be needed for assessing the status of the property.

8. At this stage, learned counsel for the petitioner submits that the present petition be treated as representation before the MCD. He submits that MCD may take requisite action against the property, in accordance with law.

9. Learned counsel for respondent no. 1-MCD submits that he has no objection if the present petition is treated as representation.

10. Accordingly, with the consent of the parties, the present petition is directed to be treated as representation by the MCD. Thus, the MCD is directed to inspect the property in question.

11. In case any unauthorized construction is found to have been carried out, requisite action shall be taken against the same, in accordance with law.

12. The MCD shall also grant hearing to the petitioner, as well as owner/occupant of third and fourth floor of the property in question, before passing requisite order, and taking requisite action.

13. It is directed that MCD shall take time bound action, preferably within eight weeks, in case any unauthorized construction, is found out.



14. Needless to state, rights and contentions of all the parties, are left open. In case, the owner/occupier is aggrieved by any action of the MCD, he is at liberty to seek remedies, as per law.

15. With the aforesaid directions, the present petition, stands disposed of.

MINI PUSHKARNA, J

APRIL 7, 2025/au