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

+ **W.P.(C) 5566/2024 and CM APPL. 22997/2024**

PRABHJIT SINGH SARNA

.....Petitioner

Through: Mr. Samit Khosla, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Abhinav Sharma and Mr.
Mahender Shukla, Advocates for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

14.02.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking a direction to MCD to demolish the illegal and unauthorized construction carried out by Respondent No.5 in the shape of deviations, impermissible height, excess coverage against the sanctioned/permissible FAR in property bearing no. 25/41, West Punjabi Bagh, New Delhi.
2. Status report dated 06.02.2025 has been filed on behalf of MCD, wherein it is stated that in compliance of undertaking submitted by the owners of the subject property by way of an affidavit dated 18.10.2024 to the MCD, non-compoundable deviations existing in the property were self-demolished by the owners and for compoundable deviations, application was preferred for regularisation. Application was examined as per the prevailing regularisation policy and looking at the nature of deviations, the same have been regularised after the property was inspected by concerned JE/(Bldg.) and deposit of compounding fee of Rs.4,95,237/- by the



applicants. The subject property is at present as per the regularisation plan and within the ambit of UBBL-2016.

3. From the status report dated 19.09.2024 filed by MCD, it emerges that the subject property bearing Plot No. 25/41, West Punjabi Bagh, New Delhi was booked under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 (DMC Act) for unauthorized construction in the shape of deviations at the stilt and from ground floor to third floor. Show cause notice was issued on 15.04.2024 to Sh. Jagdish Rai Aggarwal and Smt. Prem Lata Gupta and work stop notice was sent to the concerned SHO, PS: Punjabi Bagh on 22.04.2024. Watch and ward letter was also sent to the Police for keeping a vigil over the property. Subsequently, however, affidavits were filed by Sh. Jagdish Rai Aggarwal and Smt. Prem Lata Gupta on 18.10.2024 before MCD as co-owners of the subject property undertaking that all non-compoundable deviations will be removed, which as per MCD's latest status report have been removed. Compoundable deviations have been regularised on payment of compounding fee and as the status report reflects the subject property is at present compliant with the regularisation plan and within the ambit of UBBL-2016.

4. In light of the aforesaid stand of owners of the subject property and MCD, no further order is required to be passed in the present writ petition and the same is accordingly disposed of along with pending application.

5. Needless to state in case the Petitioner has any further grievance, he may take recourse to appropriate remedies before the appropriate forum.

JYOTI SINGH, J

FEBRUARY 14, 2025/jg/shivam