



\$~39

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

+ **W.P.(C) 11899/2023**

SUSHIL KUMAR

.....Petitioner

Through: Mr. Harsh Pratap Shahi and Mr. Dev
Pratap Shahi, Advocates with Petitioner in person.

versus

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

Through: Mr. Prithish Sabharwal, Advocate for
Respondent No.1/MCD.

Mr. Udit Malik, Advocate for Respondent No.2
and 3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.03.2025

%

1. This writ petition is preferred on behalf of the Petitioner under Article 226 of Constitution of India seeking the following relief:-

“i. Respondent No. 1 to remove such unauthorised and illegal occupation, which in the nature of Kabari/Junk Shop is being carried out by the Respondent Nos. 2 and 3 on the premises and on other illegally encroached area of the Public Land surrounding the Premises wherein lot of material, debris, etc. is lying illegally and without any sanctions/licences/approvals, etc. from Respondent No.1 under whose jurisdiction such aforementioned premises and encroached public land adjoining/surrounding the premises lies.”

2. Status reports have been filed on behalf of MCD.

3. It is stated in the additional status report that during inspection by the concerned field staff of the subject properties bearing No. 122, Jangpura, Bhogal Road and T-2-1/4 Ground Floor, having three shops at ground floor,



it was found that they were being used for business in Steel Girder/Iron, which is contrary to para 15.6.2(a) of MPD-2021 (Mixed Use Regulations under Chapter-15). Accordingly, proceedings under Section 345-A of Delhi Municipal Corporation Act, 1957 ('1957 Act') were initiated against the subject premises and show cause notice dated 07.02.2025 was issued to Mr. Ramesh Chand Verma, owner/occupier of the premises with a direction to bring the premises within the permitted use as per Master Plan-2021 within 48 hours. Photographs showing the business of Steel Girder/Iron have been appended to the status report. Further, property No. T-2-1/4, Ground Floor is being used as a Stone Grit/Gravel Godown which is also in violation of MPD-2021 and show cause notice has been issued to Shri Basant Gupta to bring the user within the permitted use within 48 hours.

4. Mr. Prithish Sabharwal, learned counsel for MCD, on instructions, submits that final decision will be taken after granting personal hearing to the owners/occupiers of the shops in question, for which time, date and venue shall intimated to them in writing, in advance. Insofar as the Petitioner is concerned, it is submitted that serious allegations have been levelled by Respondent No.2 that Petitioner is also indulging in the same trades and therefore, MCD will examine this issue independently.

5. Learned counsel for the Petitioner, on instructions from the Petitioner, submits that Petitioner is a Chef by profession and does cooking as a Freelancer for livelihood and has never carried on the business in Steel Girders/Iron and or any scrap material and undertakes that he will not indulge in any such activities in future.

6. In light of the status report filed by MCD and submissions made by its counsel that further action will be taken with respect to the three shops in



question after giving a personal hearing to the owners/occupiers, no further order is required to be passed in this writ petition. Petitioner will be granted personal hearing within 10 days from today and thereafter, necessary action will be taken in accordance with law, if so required. Owners/occupiers of the premises are at liberty to take recourse appropriate legal remedies in case of any grievance. Insofar as Petitioner is concerned, his undertaking is taken on record and he has been explained the consequences of violating the undertaking.

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

JYOTI SINGH, J

MARCH 6, 2025

B.S. Rohella