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

+ **W.P.(C) 13254/2024 and CM APPL. 55386/2024**

KAMAR JAHAN

.....Petitioner

Through: Ms. S. D. Ansari and Mr. I
Ahmed, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Ms. Sangita Malhotra, SPC with Ms.
Pallavi Talwar and Mr. Ratan Prakash,
Government Pleader and Mr. Ranjeet Pandey,
Standing Counsel for MCD.

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

**ORDER
09.01.2025**

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1. This writ petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“(i) for issuance of a writ/order/direction in the nature of a writ of mandamus thereby directing the respondents no. 1 & 2 to take legal action against the illegal and unauthorized construction being raised by respondent No. 3 & 4 in Property Bearing D-88, Situated at Abadi Welcome, Seelampur, Delhi-110053; and

(ii) for issuance of writ of order/direction in a nature of writ of prohibition thereby restraining the respondents from making or pennitted to be made . further illegal and unauthorized construction in Property Bearing No. D-88, Situated. at Abadi Welcome, Seelampur,' Delhi-110053 and further , from putting the said illegal and unauthorized construction/structure into use in any manner whatsoever”

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2. Status report has been filed on behalf of the MCD in which a categorical stand is taken that the sealing proceedings against the unauthorized construction were initiated by the Department and a sealing show cause notice dated 11.12.2024 under Section 345A of the Delhi Municipal Corporation Act, 1957 issued under the signature of Deputy Commissioner, Shahdara North Zone was sent to the owner/builder vide speed post dated 14.12.2024. Copy was also pasted at site on 19.12.2024 *albeit* the occupier/owner/builder has not replied to the notice. It is further stated that the special sealing/demolition action has been fixed for 08.01.2025 and 09.01.2025 against the unauthorized construction.
3. Learned counsel, on instructions, points out that the sealing action was fixed for today and necessary action will be taken in accordance with law and judgement of the Supreme Court in ***Re: Directions in the matter of demolition of structures, 2025 SCC OnLine SC 3291***.
4. Accordingly, no further order is required to be passed at this stage, however, making it clear that in case, Petitioner is still aggrieved, he will be at liberty to take recourse to legal remedies. Rights and contentions of Respondents No.3 and 4 to take recourse to legal remedies are left open.
5. Writ petition stands disposed of, along with pending application.

JYOTI SINGH, J

JANUARY 09, 2025/shivam

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