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

+ W.P.(C) 14181/2024 and CM APPLs. 59375/2024, 69140/2024 and 69156/2024

HARMINDER SINGHPetitioner
Through: Ms. Anushka Sharma, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI,
& ORS.Respondents
Through: Mr. Ashutosh Gupta, Additional
Standing Counsel with Mr. Arman Monga, Mr. Jai
Gupta and Mr. Pulkit Garg, Advocates for MCD.
Mr. Arjun Mahajan, Standing Counsel with Mr.
Apoorv Upamanyu and Mr. Harish Vashishth,
Advocates for DDA.
Mr. Balaji Pathak, Advocate for R4.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

% **ORDER**
29.01.2025

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

“a) Issue Writ of Mandamus or any other appropriate writ, order or direction in nature thereof directing Respondents No.1 to 3 to remove each and every brick of illegal and unauthorized construction as well as encroachment which is beyond 62.26 sq.yds. as per the standard design of M.C.D. Flats in Neemri Colony, Delhi, towards back lane side and front lane side footpath over the property No.353, Ground Floor, Nimri Colony, Ashok Vihar, Delhi-110052, and is also beyond standard design of M.C.D. more specifically shown in the photographs attached with the petition.

b) Restrain the Respondent No.4 from raising any illegal and unauthorized



construction which is being carried out by the respondents No.4 in the above said property in question bearing No.353, Ground Floor, Nimri Colony, Ashok Vihar, Delhi-110052, beyond the area of 62.26 sq .ft. without approval of layout plan/design in terms of judgment/order dated 19.1.2012 passed by this Hon'ble court in WP.(C) No.3587/1994 titled as, "Upper Flat Residents Association & Ors. Vs. MCD and Others".

c) Direct the Respondent No.4 to restore the load bearing wall of the property in question bearing No.353, Ground Floor, Nimri Colony, Ashok Vihar, Delhi-110052, in its original shape, in the interest of justice."

2. Learned counsel appearing for the Special Task Force ('STF'), on instructions, submits that the complaint filed by the Petitioner was registered by the STF vide Registration Reference ID No. SNS2024100764P and the matter was referred to the MCD for necessary action. The document is taken on record.
3. Learned counsel appearing on behalf of MCD, draws the attention of the Court to the status report and submits that the property in question was booked after inspection on 28.08.2024 and it was noticed that on the rear side of the subject property the owner/occupier has raised some illegal construction in the form of *chajja*/projection. The bathroom area was also extended by some modification and repairs.
4. On noticing the said construction, a letter dated 04.09.2024 was sent to the concerned SHO for demolition action which was scheduled for 06.09.2024. But demolition could not take place as the property was found locked. Further demolition action was proposed for 09.09.2024, but again action could not be taken due to non-availability of the police force. Thereafter in the demolition drive on 11.10.2024, the projection/*chajja* on the rear side of the ground floor of the property has been demolished. The extension in the bathroom area with some modification etc., however,



continues to exist, for which a show-cause notice dated 15.10.2024 was issued under Section 343 and 344(1) of the DMC Act, 1957 to the occupier, i.e., Respondent No. 4 herein and necessary action will be taken in accordance with law.

5. Learned counsel appearing on behalf of Respondent No.4 submits, *albeit*, there was no unauthorized construction in his perception, however, necessary action has been taken and there is no existing unauthorized construction.

6. Be that as it may, the property will be inspected by the MCD again and in case any unauthorized construction is found, necessary action will be taken after complying with the statutory formalities and keeping in view the judgment of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

7. This order is without prejudice to the rights and contentions of the Respondent No.4.

8. Petition stands disposed of along with pending applications.

JYOTI SINGH, J

JANUARY 29, 2025/jg