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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1852/2024 & CM APPL. 68154/2024 & CM APPL.**
68155/2024
SH VIRESH KUMAR & ORS.Petitioner

Through: Mr. L.S. Solanki & Dr. Anu Solanki,
Advocates

versus

MADAN MEENA SHO P S MAURYA ENCLAVE, DELHI
THROUGH COMMISSIONER OF POLICE & ANR.

.....Respondent

Through: Mr. Vikas Chopra, Standing Counsel
for MCD with Ms. Anita Mishra and
Ms. Khushi, Advocates
Mr. Rishabh Kapoor, Mr. Kunal
Malik, Mr. Jatin Gulia, Mr. Siddharth
Rana & Mr. Sourav Drall, Advocates
for R-2

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
29.01.2025

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1. This Court has seen the specific directions contained in order dated 11.11.2024 passed by learned Co-ordinate Bench of this Court in W.P. (C) No. 15639/2024.
2. Petitioner had made complaint against the unauthorized construction over fourth floor/terrace floor of Property No. 100, PU Block, Pitampura, Delhi-110034. At the time of consideration of the aforesaid writ petition, learned counsel for MCD also appeared and after hearing him, the writ petition was accordingly disposed of. Paras 3 to 6 of aforesaid order read as under: -

"3. Mr. Vikas Chopra, learned Standing Counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits

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that property has been inspected, and construction was found to be ongoing on the terrace floor without any sanction plan. MCD has therefore issued a stop work notice on 29.10.2024 and also proposes to issue a show cause notice to the owners/occupants of the property, including respondent No. 2, within a period of one week from today. Further action will be taken after considering the reply to the show cause notice, if any.

4. In view of the above submissions, no further orders are required in this writ petition, which stands disposed of.

5. Mr. L.S. Solanki, learned counsel for the petitioner, states that construction continues on the property despite the stop work notice dated 29.10.2024. MCD is free to inspect the property again and take such further steps as available to it in law.

6. It is made clear that these submissions have been recorded without prejudice to the rights and contentions of the owners/occupants of the property, including respondent No. 2, whose remedies are expressly reserved. MCD is directed to take further action strictly in accordance with law and after compliance with all statutory formalities.”

3. Mr. L.S. Solanki, learned counsel for petitioner does admit that as on date, there is no construction which is going on but his grievance is that walls are still existing over the top floor and the respondent no. 2 should also remove those walls.

4. Learned counsel for respondent no. 2 submits that he would request his client to even remove the walls which had been earlier constructed over the terrace floor.

5. In view of the above, no further directions seem required in the present contempt petition. Same is accordingly disposed of.

6. Photographs submitted by Mr. L.S. Solanki are, however, directed to be taken on record.

MANOJ JAIN, J

JANUARY 29, 2025/dr

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