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

+ **W.P.(C) 16508/2024 and CM APPL. 69740/2024 and 69741/2024**

JITENDER SONI & ANR.Petitioners

Through: **Ms. Tanya Nayyar, Advocate.**

versus

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

Through: **Mr. Arjun Mahajan, Mr. Apoorv Upmanyu and Mr. Harsh Vashisht, Advocates for MCD.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

10.01.2025

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

“a. For demolition of the illegal and unauthorized construction being raised at the property having shop no. 128, 217, 315, 633 & 867 of Old Lajpat Rai Market, Chandni Chowk, Delhi - 110006.

b. For sealing the illegal and unauthorized construction present on basement, ground floor, first floor and second floor raised at the property having shop no. 128, 217, 315, 633 & 867 of Old Lajpat Rai Market, Chandni Chowk, Delhi - 110006.

c. For an appropriate legal action against the owner of shop no. 128, 217, 315, 633 & 867 of Old Lajpat Rai Market, Chandni Chowk, Delhi – 110006.”

2. Status report is handed over in Court with copy to counsel for the Petitioner and is taken on record. As per the status report, Shop bearing No.315, Old Lajpat Rai Market was inspected on 28.08.2024 and unauthorized construction was found in the shape of extension of first floor and second floor by covering open space of corridor roof and was booked



under Sections 343 and 344(1) of the Delhi Municipal Corporation Act, 1957 ('DMC Act') on 28.08.2024. Following due process of law, demolition order was passed on 10.09.2024 and in execution thereof action was planned for demolition on 03.01.2025, on which date roof of the first floor was demolished. Watch and ward letter was issued to the SHO, PS: Kotwali on 06.01.2025.

3. It is further stated that unauthorized construction of entire first floor and second floor in Shop No.633, Old Lajpat Rai Market was booked on 29.02.2016 on an earlier occasion and demolition order was passed on 07.03.2016. Demolition action was taken on 19.03.2016 wherein second floor roof and walls were made unusable. The sealing proceedings were also initiated under Section 345-A of DMC Act and show cause notice was issued on 14.09.2016 to the owner/builder to show cause why property be not sealed. Thereafter, sealing order was passed on 03.10.2016 and property was sealed on 03.10.2016 itself. FIR No.157/2017 was lodged in PS: Kotwali as the seals were found tampered and property was re-sealed on 05.09.2017 and 20.09.2017 at the main entrance of the shop at first floor and second floor on 01 point. Shri Suman Narang filed appeals before the Appellate Tribunal, MCD against sealing and demolition orders, which were dismissed in default on 03.03.2022.

4. With respect to property No.217, it is stated that the property was inspected on 04.12.2024 and unauthorized construction in the form of entire basement, ground floor, first floor and second floor was booked, followed by show cause notice dated 04.12.2024 to Sh. Amit and Sh. Saaranish Khodaria/owner/occupier and further action will be taken on conclusion of the personal hearing proceedings. As far as property Nos. 128 and 867 are



concerned, it is stated that as per the survey report there is construction in property No.128 from basement to second floor and property No.867 is constructed up to first floor. During inspection carried out on 03.01.2025, no deviations were found and therefore no action was warranted.

5. Having perused the status report, it is evident that necessary action is being taken by MCD and learned counsel for MCD submits that further action will be taken in accordance with law, wherever warranted. Therefore, no further order is required to be passed in this writ petition at this stage.

6. Needless to state that wherever action is taken by the MCD the same shall be in compliance with statutory requirements and in conformity with the judgment of the Supreme Court *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*. Rights of Respondents No.3 to 8 are preserved and it will be open to them to take recourse to legal remedies, if aggrieved by any action taken against them. Petitioner will also be at liberty to take recourse to legal remedies in case of any surviving grievance.

7. Writ petition is disposed of along with pending applications.

JYOTI SINGH, J

JANUARY 10, 2025/jg