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

+ **W.P.(C) 123/2025**

KUSUM SEHGAL

.....Petitioner

Through: Mr. M. Qayam-ud-din, Advocate
alongwith petitioner

versus

DELHI FIRE SERVICE & ORS

.....Respondent

Through: Mr. K.G. Gopalakrishnan and Ms.
Nisha Mohandas, Advocates for R-1,
7 & 8.

Ms. Avshreya Pratap Singh Rudy,
SPC with Ms. Usha Jamnal, Ms.
Harshita Chaturvedi and Ms. Hepsiba
Bobin, Advocates for R-6/Delhi
Police.

Mr. Moksh Arora and Mr. Santosh
Ramdurg, Advocates for R-9/BSES.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

08.01.2025

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CM APPL. 458/2025

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 123/2025 & CM APPL. 459/2025 (Directions)

3. The petitioner has filed the present petition *inter alia* praying that respondent no.1 be directed to inspect the premises No. 1564 to 1569, 1570,



1571, 1572, 1573, 1574, 1575, 1576, 1577 and 1578, New Marwari Katra, Nai Sadak, Delhi-110006 (hereafter *the property in question*) to ascertain whether adequate fire safety measures have been taken and to ensure that no building is raised which contravenes the building bye-laws. The petitioner also prays that a direction be issued to the concerned authorities for taking steps against contravention of Delhi Fire Service Act, 2007.

4. The petitioner states that on 13.06.2024 a fire had broken out at the aforementioned property in question. The petitioner states that at the relevant time, an unauthorized cloth market was functioning from the property in question and approximately 150 shops were gutted. It is stated that thereafter around 09.10.2024, the debris at the property in question were cleared. However, thereafter fresh construction has commenced without any sanction from the concerned authorities. The petitioner claims that she has lodged complaints with the Deputy Commissioner and Executive Engineer-II of Building Department regarding unauthorized construction, which according to the petitioner, presents a fire risk.

5. The learned counsel appearing for the respondent nos. 2 to 5 (MCD) has handed over a short status report, which indicates that the property in question was inspected on 16.12.2024 and it was noticed that unauthorized construction had been carried out. It is stated that the same was booked under Section 344(1) and 343 of the Delhi Municipal Act (hereafter *the DMC Act*) and a show-cause notice was also issued to the owner/builder. In addition, it is stated that the 'Work Stop Notice' was issued to the concerned SHO to stop the unauthorized construction. In addition, it is stated that apart from issuing of the said notice, proceedings for sealing the property under Section 345A of the DMC Act have also been initiated.



6. The learned counsel appearing for respondent no.10 (owners and builders of the properties) submits that the respondents shall abide by the 'Work Stop Notice', however, reserve the right to take appropriate remedies as available in law.

7. In view of the above, we do not consider apposite to pass any orders in this petition except to direct respondent no.6 [SHO (PS Kotwali) and DCP (Central District)] to ensure that no construction is raised at the premises in violation of the 'Work Stop Notice' issued by the MCD. It is so directed.

8. The petition and pending application is disposed of in the above terms.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 08, 2025

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Click here to check corrigendum, if any