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

+ **W.P.(C) 91/2025 and CM APPL. 353/2025**

NARENDER KUMAR SHARMAPetitioner

Through: Mr. Amit Nayar, Advocate.

versus

**MUNICIPAL CORPORATION OF THE DELHI
& ANR.**

.....Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
with Mr. Sachin Singh Shahi, Mrs. Sashi Gupta,
Mr. Arna Gupta and Mrs. Priyanka Singh,
Advocates for MCD for R1 and R2.

Mr. R.K. Dhawan, Standing Counsel with Ms.
Nisha Dhawan, Mr. V.K. Teng, Mr. Naman
Kumar Thakur, Mr. K.R. Madhar and Ms. Jyoti
Sahai Joshi, Advocates for R4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.01.2025

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1. This writ petition has been preferred on behalf of the Petitioner seeking the following reliefs:-

“1. Issue a writ / order/ direction of Prohibition to the local authorities i.e. Respondent no.1 to prevent the respondent no 2 from constructing the Property bearing i.e. 1436/98, Ganesh Pura, Tri Nagar, Delhi-110035.

2. Issue a writ of Mandamus and direct the respondent MCD to take appropriate legal action against such unauthorized and illegal construction and further direct the MCD to demolish the said unauthorized constructions.

3. Issue a writ of mandamus/ order or direction be passed against respondent no. 1 stop and seal the unauthorized ongoing construction on the suit Property bearing i.e. 1436/98, Ganesh Pura, Tri Nagar, Delhi-110035.”



2. Mr. Mukesh Gupta, learned Standing Counsel for MCD/Respondent No.1 appearing on advance copy of the writ petition, on instructions, submits that a notice dated 31.12.2024 has been issued to Respondent No. 2 to show cause under Sections 344(1) and 343 of Delhi Municipal Corporation Act, 1957 in respect of property bearing No. 1436/98, Chowki Mubarakabad, Ganeshpura-A, Tri Nagar, Delhi. By this notice, Respondent No.2 has been called upon to submit his reply within fifteen days as to why order of demolition should not be passed in respect of the unauthorised constructions allegedly carried out. It is further submitted that pursuant to the show cause notice and on receipt of reply by Respondent No.2, further action will be taken in accordance with law and the guidelines laid down by the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***. Copy of the show cause notice tendered during the course of hearing is taken on record.

3. In light of the stand of MCD that on receipt of reply to the show cause notice dated 31.12.2024 issued to Respondent No.2, further action will be taken in accordance with law with respect to the alleged unauthorised construction, no further order is required to be passed at this stage. Needless to state that MCD will take action strictly in accordance with law and in consonance with applicable statutory provisions and in compliance with the judgment of the Supreme Court dated 13.11.2024 in ***In Re: Directions in the matter of demolition of structures (supra)***.

4. It is, however, made clear that this order is without prejudice to the rights and contentions of Respondent No.2 to take recourse to any legal remedies that he may have.

5. Writ petition is accordingly disposed of with liberty to the Petitioner



to approach the Special Task Force constituted under orders of the Supreme Court dated 24.04.2018 and 18.07.2018 in W.P. (C) 4677/1985 ***M.C. Mehta v. Union of India and Ors.*** in the event of any surviving grievance.

6. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 08, 2025/shivam