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

+ **W.P.(C) 481/2025**

SUDHAKAR BHATNAGAR & ANR.

.....Petitioners

Through: Ms. Kanika Agnihotri, Advocate.
versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Ms. Chetanya Singh, Mr. Chetan Sharma and Mr. Somnath Tyagi, Advocates for R-1.

Mr. Raghuvendra Shukla, Senior Panel Counsel with Mr. Ganesh Kumar Bhatt, Advocate for R-2 and R-4.

Mr. Rajeev Aggarwal, Additional Standing Counsel with Mr. Shubham Goel and Mr. Mayank Kamra, Advocates for R-3.

Mr. Rishikesh Kumar, ASC with Ms. Sheenu Priya, Mr. Vikas Saini, Mr. Atik gill and Mr. Sudhir, Advocates for GNCTD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **15.01.2025**

CM APPL. 2235/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 481/2025 & CM APPL. 2234/2025

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

“a. Issue a Writ of Mandamus or any other Writ/order/ direction thereby directing the respondents No.1 to 6 to take appropriate steps to stop the illegal construction and demolish/remove the unauthorized and illegal construction carried by the respondent No.6 at the Property No. A-4,



Paryavaran Complex, Ignou Road, Saidulajab, New Delhi-110030;

b. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction in favour of petitioner and against the respondent no.1 to 6 thereby directing the respondent no. 1 to 6 to demolish the illegal and unlawful existing structure of the building which was illegally constructed by the respondent no.3 & 4 and seal the said property i.e. Property No. A-4, Paryavaran Complex, Ignou Road, Saidulajab, New Delhi-110030.”

4. Issue notice.
5. Counsels, as above, accept notice on behalf of the respective Respondents.
6. Learned counsel for Respondent No. 1/MCD, on instructions, submits that demolition notice against the subject property has been passed on 08.01.2025 under Section 343 of the Delhi Municipal Corporation Act, 1957 ('DMC Act'). He further points out that prior thereto, a show cause notice dated 20.12.2024 was sent under Sections 344(1) and 343 of the DMC Act, followed by a work stop notice on 26.12.2024. Notice has also been issued to BSES for disconnection of the electricity, with a copy to the owner/occupant of the property in question and necessary action will be taken in accordance with law. The documents referred to by learned ASC are handed over in Court and are taken on record. Another set of documents will be furnished to learned counsel for the Petitioners during the course of the day through electronic mode.
7. This writ petition is accordingly disposed of taking the stand of MCD on record that the order of demolition has been issued after putting the occupant/owner of the property in question to a show cause notice. The Court is apprised of the fact that Petitioner has not filed any response to the same.



8. Needless to state that any further action will be taken by MCD after ensuring compliance with all the statutory formalities and the judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***.

9. This order is passed without prejudice to the rights and contentions of Respondents No. 5 and 6, who will be at liberty to take recourse to legal remedies in accordance with observations of the Supreme Court ***In Re: Directions in the matter of demolition of structures (supra)***. In case of any surviving grievance, Petitioners are at liberty to take recourse to legal remedies, in accordance with law.

10. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 15, 2025/shivam