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

+ W.P.(C) 10935/2024

SANTOSH

.....Petitioner

Through: Mr. Nagender Vashisht, Advocate
with Mr. Atul Varma, Mr. Harvinder
Singh, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjeev Sagar, Advocate with
Ms. Nazia Parveen, Advocate for
MCD.
Ms. Beenashaw Soni Advocate with
Ms. Mansi Jain and Ms. Ann Joseph,
Advocates for DDA

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
07.08.2024

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1. Present Public Interest petition has been filed seeking issuance of directions to respondents No. 1 and 2 to seal and demolish the illegal and unauthorised construction at plot/property No. F-76/1, Khasra No. 23/1/1, Deep Vihar, Delhi ("subject property") and disconnect electricity and water connections of the said unauthorised construction.
2. Learned counsel for the petitioner states respondent No. 3 to 6 started construction of a multi-storey Commercial building on subject property in January, 2022 without getting sanction from the competent authorities. He



states that on 21st February, 2022, respondent No.1 booked the subject property for unauthorised construction under Sections 343 and 344 of Delhi Municipal Corporation Act and also issued Show cause notice to the owner of the subject property.

3. He states that on 3rd March, 2022, demolition order of the property was passed and subsequently, demolition action was taken and projection and RCC (Reinforced Cement Concrete) slabs of ground floor and first floor were demolished.

4. He states that on 1st August, 2022, the owners again started construction at the subject property despite demolition action taken by the MCD.

5. He states that thereafter, the petitioner filed an online complaint with respondent No. 1 with respect to the unauthorised construction. He points out that subsequent to the demolition action, the owners further constructed additional floors i.e. second, third and fourth floors which were booked by respondent No.1 on 3rd October, 2022.

6. He states that in an earlier petition bearing W.P.(C) No.4279/2022 filed before this Court against illegal and unauthorized construction being carried out on the subject property, respondent No. 1 informed this Court that demolition action on the entire property had been taken and unauthorised construction had been demolished.

7. He states that in July 2023, respondents No.3 to 6 again started construction work on the subject property.

8. He states that on 17th May, 2024, the petitioner informed the Chairman STF, (DDA)/respondent No. 2, Dy. Director STF (DDA) and Commissioner of MCD/respondent No.1 about the unauthorised



construction and requested to stop the un-authorized construction and take action. He, however, states that no action has been taken so far.

9. Issue notice.

10. Mr. Sanjeev Sagar, learned counsel accepts notice on behalf of respondent No.1. Ms. Beenashaw Soni, learned counsel accepts notice on behalf of respondent No.2.

11. Issue notice to unserved respondents No.3 to 6 by all modes including dasti. The notices to specifically state that respondents No.3 to 6 shall be personally present in Court on the next date of hearing.

12. The DC Narela zone is directed to be personally present in Court on the next date of hearing. The Commissioner, MCD, shall join the proceedings by way of an audio-video link on the next date of hearing.

13. List on 13th August, 2024 at 2:30 p.m.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 7, 2024

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