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

+ W.P.(C) 15046/2024

RAVI

.....Petitioner

Through: Ms. Khyati Dhupar, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY

AND ORS

.....Respondents

Through: Mr. Anuj Chaturvedi, Ms. Harshita Maheshwari, Advocates for DDA.
Mr. Akhil Mittal, SC for MCD for R-2,4,5, 6 and 7.
Mr. Raghvendra Upadhyay, Ms. Purnima Jain, Mr. Vaibhav Tripathi, Advocates for R-11 with Mr. Sarim Khan.
Mr. Mayank Sharma, Advocate for R-8.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.10.2024

CM APPL. 63106/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15046/2024 & CM APPL. 63107/2024 (stay)

1. The petitioner has approached this Court complaining of alleged illegal demolition, cutting of trees and unauthorised construction at property No. 2789 and 2790, Lothian Road, Kashmere Gate, Delhi – 110006 [“the subject property”].



2. Issue notice. Ms. Harshita Maheshwari, learned counsel, accepts notice on behalf of respondent No. 1 and 3. Mr. Akhil Mittal, learned counsel, accepts notice on behalf of respondent Nos. 2, 4, 5, 6 and 7. Mr. Mayank Sharma, learned counsel, accepts notice on behalf of respondent No. 8. Mr. Raghvendra Upadhyay, learned counsel, accepts notice on behalf of respondent No. 11.

3. As far as respondent Nos. 9 – Shajahanbad Redevelopment Corporation and respondent No. 12 – the Indian National Trust for Art and Cultural Heritage, are concerned, *prima facie* they do not appear to be legally responsible for the maintenance or preservation of the building in question. Notice is, therefore, not issued to them at this stage, subject to further submissions to be made by learned counsel for the petitioner.

4. Respondent No. 13 be served by all permissible modes, as the petitioner's allegation is that the unauthorised construction is being carried out at the subject property by respondent No. 13.

5. Mr. Akhil Mittal, learned for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that the subject property has been inspected and deviation from the sanctioned plan having been found, a show cause notice has been issued to the owners/occupiers of the property on 09.10.2024. MCD awaits a response to the show cause notice, after which necessary action will be taken in accordance with law.

6. The respondents are at liberty to file their status reports/counter affidavits within four weeks. Rejoinders/objections thereto, if any, may be filed within two weeks thereafter.

7. It is made clear that the pendency of this petition will not come in the way of MCD taking further action pursuant to its show cause notice



dated 09.10.2024. However, such action must be strictly in accordance with law and after compliance of all statutory formalities. The rights and remedies of the owners/occupiers of the subject property remain reserved.

8. List on 04.02.2025.

PRATEEK JALAN, J

OCTOBER 25, 2024

“Bhupi”/