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

% *Date of Decision: 11th December, 2019*

+ **W.P.(C) 10643/2018**

PANCHSHILA COOPERATIVE

HOUSE BUILDING SOCIETY LTD

..... Petitioner

Through: Ms.Niyati Patwardhan, Adv. with
Ms.Nayantara Gupta, Adv.

Versus

SOUTH DELHI MUNICIPAL

CORPORATION & ORS

..... Respondents

Through: Mr.Sri Harsha Peechara, Standing
Counsel with Ms.Kriti Sinha, Adv. for R-1/SDMC.
Ms.Gurmeet Bindra, Adv. for R-2.
Ms.Jagriti Ahuja, Adv. with Mr.Amol Sharma,
Adv. for R-3&4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

: **D. N. PATEL, Chief Justice (Oral)**

1. This writ petition has been preferred for the following prayers:-

“(a) Issue a writ in the nature of mandamus or any other appropriate writ/order or direction in favour of the Petitioner directing Respondent No. 1 SDMC to take appropriate action against respondent No. 2 and respondent No. 3 under Para 15.9 and Para 15.11 of the MPD-2021 for violations of Mixed Use Regulations given under Para 15 of MPD-2021 in the Ground Floor and Basement of property situated at Plot S-214, Panchsheel Park, Malviya Nagar, New Delhi-110017.”

2. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that the grievance ventilated

by the petitioner is about the alleged breach of Master Plan for Delhi – 2021 ('MPD-2021') specifically paragraphs 15.9 and 15.11 thereof by the respondents No.2 and 3. Learned counsel for the petitioner submits that action in this regard needs to be taken by respondent No.1 against respondents No.2 and 3. Learned counsel for the respondent No.1 submits that the alleged violation of MPD-2021 by respondents No.2 & 3 is yet to be established and if any violation, as alleged otherwise, is found, notice shall be issued and action shall be taken in accordance with law.

3. In view of the aforesaid submissions of learned counsel for the respondent No.1, we hereby direct the respondent No.1 to issue notice to the concerned party, if any violation, as alleged, is found and take action against the violators in accordance with law, rules & regulations and Government policies applicable to the facts of the case after giving adequate opportunity of being heard to the concerned parties who are owner/occupier of the premises in question situated at Plot S-214, Panchsheel Park, Malviya Nagar, New Delhi-110017, specifically basement and ground floor thereof.

4. With the aforesaid observations, the writ petition is disposed of.

अस्यमेव जयते

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 11, 2019

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