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

% Judgment delivered on: 23rd February, 2022

+ W.P.(C) 4833/2021& CM APPL. 14881/2021& CM APPL.
23578/2021

MOHD IRFAN

..... Petitioner

versus

DANISH & ORS.

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Khadim Khan along with Mr. Shafiq Khan, Advocates

For the Respondents: Mr. Sanjiv Bahl and Mr. Vikrant Arora, Advocates for R-1 and R-2.

Mr. Anand Prakash, Standing Counsel North DMC with Ms. Varsha Arya & Mr. Akhil Raj Advocates for North DMC.

Mr. Santosh Kumar Tripathi with Mr. Arun Panwar, Mr. Siddharth Krishna Dwivedi, Ms. Vrinda Singh, Advocates (R-3)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. The hearing was conducted through video conferencing.

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2. Petitioner seeks a direction to respondents to take action against the alleged unauthorized construction being raised in property bearing No. 5383, Kucha Rehman, Chandni Chowk, Delhi-110006 and property bearing No. 5419, Kucha Rehman, Chandni Chowk, Delhi-110006.

3. Status report filed by the Corporation states that unauthorized construction was noticed in property No. 5383, Kucha Rehman, Chandni Chowk, Delhi and a demolition order dated 24.12.2020 has been passed and with regard to property No. 5419, Kucha Rehman, Chandni Chowk, Delhi, it was noticed that no construction activity was found and the property was found to be old and occupied and as such no action is contemplated against the said property.

4. Learned counsel appearing for respondent no. 1, owner of property bearing No. 5383, Kucha Rehman, Chandni Chowk, Delhi submits that against the order of demolition dated 24.12.2020 an appeal has been filed before Appellate Tribunal MCD being Appeal No. 305/2021 titled *Mohd. Danish Vs. NDMC* in which by order dated 17.09.2021 a stay has been granted on the said order of demolition. He submits that the appeal is pending and the interim protection is continuing.

5. In view of the above, this petition is disposed directing the



respondent corporation to take action in accordance with law subject to the outcome of the appeal before the Appellate Tribunal-MCD.

6. It is further clarified that Appellate Tribunal-MCD shall consider the appeal without being influenced by anything stated in this order.

7. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 23, 2022

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भारतमेव जयते