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

+ **W.P.(C) 16235/2023**

SMT. QAMRUN NISHA

..... Petitioner

Through: **Mr. N.S. Dalal, Mr. Raja Panda and
Mr. Nrusingh Patro, Adv.**

versus

**THE COMMISSIONER MUNICIPAL CORPORATION OF DELHI
& ORS.**

..... Respondents

Through: **Ms. Neha Jain, ASC and Ms. Anjali
Sisodia, Adv. for R-1 and 2/MCD.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

10.05.2024

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CM APPL.27995/2024 (filed on behalf of the petitioner for directions to R-1, 2 and 3)

1. The present application alleges non-compliance of the directions contained in the order dated 18.12.2023, whereby W.P.(C) 16235/2023 was disposed of. In the said order, it was *inter-alia* observed as under:

“2. Ms. Neha Jain, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that the subject property has been inspected and the on-going demolition has been found to be unauthorised. She states that MCD proposes to issue a stop work notice to stop the demolition work, to the owners/occupants of the subject property during the course of the day. She states that further action will be taken expeditiously in accordance with law.

3. In view of the aforesaid submissions of Ms. Jain, Mr. Ayaz Ahmed, learned counsel for the petitioner, states that no further orders are required in this writ petition, which stands disposed of alongwith pending application.”



2. The present application avers that despite the aforesaid directions and the subsequent representation of the petitioner, requisite action has not been taken by the respondent no.1/MCD *qua* the unauthorized demolition/ construction work at House No.55, Hauz Rani, Malviya Nagar, New Delhi-110017.

3. Learned counsel for the MCD, who appears on advance notice, undertakes, on instructions, that the respondent no.1/MCD shall ensure that:

(i) No unauthorized demolition work is carried out in the property in question.

(ii) No unauthorized construction is carried out in the property in question.

4. In case any unauthorized construction is ongoing, MCD shall take requisite steps to bring the same to an immediate halt.

5. With the aforesaid directions, and taking on record the statement made by learned counsel for the MCD, the present application is disposed of.

6. Needless to say, any action that may be taken by the MCD shall be subject to the statutory/appellate remedies of the owner/occupier of the property in question.

SACHIN DATTA, J

MAY 10, 2024/cl