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

+ W.P.(C) 472/2024

(46) AJAY BHATIA Petitioner

Through:

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through:

+ W.P.(C) 473/2024

(47) AVADHESH GUPTA & ANR. Petitioners

Through:

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through:

+ W.P.(C) 474/2024

(48) AMISHA BHATIA Petitioner

Through:

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through:

Presence:

Advocates for the petitioners: Mr. Nitin Goel, Mr. Mayank Goel, Mr. Lokesh Goel, Mr. Arjun Khatri and Ms. Akshita Jain, Advs.

Advocate for the respondent/MCD: Mr. Sanjeev Sabharwal, SC along with Ms. Shweta Singh, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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12.01.2024

CM APPL.2116/2024 (Exemption) in W.P.(C) 472/2024

CM APPL.2118/2024 (Exemption) in W.P.(C) 473/2024

CM APPL.2120/2024 (Exemption) in W.P.(C) 474/2024



Allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 472/2024 and CM APPL.2115/2024 (Stay)

W.P.(C) 473/2024 and CM APPL.2117/2024 (Stay)

W.P.(C) 474/2024 and CM APPL.2119/2024 (Stay)

1. The present petitions assail the demolition order dated 06.08.2020 and vacation order dated 26.10.2023 in respect of Flat No.C-36, situated at Plot No.1/2, Pink Cooperative Group Housing Society Limited, also known as Pink Apartments, Sector-13, Rohini, Delhi-110085.
2. Learned counsel for the petitioners submits that connected writ petitions, filed by similarly situated persons have been disposed of vide order dated 12.12.2023, wherein it has been directed as under:

- “1. The petitioners in all these three writ petitions are residents of an apartment complex known as Pink Apartments, Sector-13, Rohini, Delhi. They have challenged demolition orders dated 06.08.2020 and vacation orders dated 26.10.2023 issued to them by the Municipal Corporation of Delhi [“MCD”].*
- 2. The impugned orders are predicated upon an allegation of unauthorised construction in the said properties in the shape of extending balconies and addition/alteration in the flats against the standard building plan. The vacation orders are only consequent upon the demolition orders.*
- 3. As the demolition orders are appealable before the Appellate Tribunal for the MCD [“ATMCD”], Mr. Sandeep Sharma, learned counsel for the petitioners, seeks permission to withdraw the writ petitions and approach the ATMCD.*
- 4. Subject to the petitioners approaching the ATMCD within a period of one week from today, MCD is directed to maintain status quo with regard to the petitioners’ properties until 05.01.2024. In the meanwhile, the ATMCD is requested to consider the petitioners’ applications for interim relief at least for the purpose of ad interim protection, and take an appropriate decision in accordance with law.*
- 5. It is made clear that this Court has not expressed any opinion on the merits of the matter, which are left open for adjudication before the ATMCD.*



6. The writ petitions, alongwith pending applications, are dismissed as withdrawn, with the above observations.”

3. Accordingly, the present petitions are also disposed of in terms of the directions contained in the aforesaid order dated 12.12.2023.

4. Subject to petitioners approaching the ATMCD within a period of one week from today, MCD is directed to maintain status quo with regard to the petitioners' property till 31.01.2024. The ATMCD is requested to consider whether any interim protection is warranted thereafter, and pass suitable orders in accordance with law.

5. The present petitions are disposed of, in terms of the aforesaid.

SACHIN DATTA, J

JANUARY 12, 2024/cl