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

+ W.P.(C) 998/2024 & CM APPL. 7758/2024

SH SAURABH

.....Petitioner

Through: Mr. Akshit Sharma, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS

.....Respondents

Through: Mr. Abhinav Sharma and Mr.
Mahender Shukla, Advocates for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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25.09.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, seeking action against the alleged unauthorised construction at property bearing No. 391-412, situated at Katra/Kucha Brij Nath, Ward No. 2, Main Bazar, Chadni Chowk, Delhi-110006.
2. Municipal Corporation of Delhi ["MCD"] has filed a status report dated 09.09.2024. MCD has stated that it has initiated action against unauthorised constructions in the subject property on 10.11.2023 and a demolition order has also been passed. However, as far as the ground floor, mezzanine floor, 1st floor and 2nd floor are concerned, it is stated that demolition is required to be kept in abeyance until 31.12.2026 in accordance with the National Capital Territory of Delhi Laws (Special



Provisions) Second Act, 2021 [“the Act”] and the property will be demolished after the moratorium period is over. As far as the 3rd floor is concerned, the owners have been directed to demolish the same.

3. Demolition action in respect of the 3rd floor has also been taken on 01.08.2024 and 07.08.2024.

4. According to the petitioner the property, in so far as the ground floor, mezzanine floor, 1st floor and 2nd floor are concerned was also constructed after the moratorium under the Act was enforced and those parts of the disputed property are also liable to be demolished.

5. As the aforesaid contention raises a disputed question of fact which will have to be decided on the evidence, learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to file a civil suit.

6. The petition is dismissed as withdrawn, with liberty as aforesaid. All pending application also stands disposed of.

7. It is made clear that this Court has not commented on the merits of the matter in any manner.

8. The aforesaid order is without prejudice to any action that may be taken by the MCD in accordance with law with respect to the 3rd floor of the premises, and also without prejudice to the rights of the owners/occupants to take any remedies available to them in accordance with law.

PRATEEK JALAN, J

SEPTEMBER 25, 2024/MR/