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

+ **W.P.(C) 2608/2024**

GOPALAN PRAKASH & ORS.

.....Petitioners

Through: **Mr.Anil Sharma and Mr.Arpit
Sharma, Advs.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: **Mr.G.S.Oberoi and Mr.J.S.Oberoi,
SC for MCD.
Mr.Sahil Goyal and Mr.Karan
Khurana, Advs for R-2.
Mr.Abhijat, Mr.Sahil Goyal and
Mr.Himmat, Advs for R-3.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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11.09.2024

1. The Registry is directed to ensure that from now onwards, no document shall be accepted by the Registry, unless the same contains date of filing of the same in the index.
2. The respondent-MCD appears to have filed a further Status Report on 09.09.2024; however, the same is not on record.
3. Learned counsel appearing on behalf of the respondent-MCD is directed to ensure that the Status Report is brought on record positively before the next date of hearing. However, during the course of hearing, a copy thereof has been handed by the learned counsel for the respondent-



MCD and the Court has perused the same.

4. The further Status Report indicates that the respondent-MCD started taking action with respect to the alleged unauthorised construction and on 19.08.2024, pursuant to the demolition order already passed, RCC slab provided for covering the shaft at ground floor level (roof slab of stilt) and steel MS plate over which RCC slab was resting, was demolished.

5. The respondent-MCD has also placed on record the photographs of the aforesaid exercise.

6. Additionally, it is stated that when the further action was in progress, the private respondent i.e., *Tanuj Aggarwal*, approached Appellate Tribunal - Municipal Corporation of Delhi (AT-MCD) in an appeal bearing no. 711/ATMCD/2024, and in terms of order dated 03.09.2024, direction for maintenance of *status quo* was directed.

7. It is thus seen that so long as order dated 03.09.2024 is not vacated/modified, the respondent-MCD's hands are tied from taking any further action.

8. The respondent-MCD, however, is directed to take further action, in case, the order dated 03.09.2024 is vacated/modified.

9. Liberty is granted to the petitioner to approach the AT-MCD or to take further necessary action in accordance with law, once the proceedings before the AT-MCD are decided.

10. Accordingly, the instant writ petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J
SEPTEMBER 11, 2024/MJ