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

+ **CONT.CAS(C) 316/2024 & CM APPL. 10846/2024**

KULSUM BI

..... Petitioner

Through: Mr. S.D. Ansari with Mr. I. Ahmed,
Advocates.

versus

SH. GYANESH BHARTI & ORS.

..... Respondents

Through: Mr. Satyakam, ASC, GNCTD with
Mr. Pradyut Kashyap, Advocate for
respondent no. 3.
(M): 9910248058

Email: satyakamassociate@gmail.com

Ms. Namrata Mukim, Standing
Counsel for Respondent/ MCD.

Email: namratamukim@hotmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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22.02.2024

CM APPL. 10846/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 316/2024

3. The present petition has been filed alleging willful disobedience of the order dated 09th February, 2023 passed in *W.P. (C) No. 8139/2021*.
4. The aforesaid petition pertained to alleged illegal and unauthorised construction in property bearing no. 1773, Ward No. XI, situated at Kucha



Dakhni Rai, Daryaganj, New Delhi. The said petition was disposed of on the basis of the Status Report of the Municipal Corporation of Delhi (“MCD”), wherein it had been stated that inspection of the property had been carried out and no ongoing construction work was found. However, some deviations were noticed, which were booked by the MCD. Further, part demolition action against the excess coverage was also taken by the MCD. The Status Report of the MCD had further stated that revocation proceedings for revocation of the sanctioned building plan had been initiated.

5. On the basis of the aforesaid Status Report, the said petition was disposed of.

6. Learned counsel appearing for the petitioner submits that no further action has been taken by the MCD after disposal of the aforesaid petition. Therefore, the present contempt petition has been filed.

7. Per contra, Ms. Namrata Mukim, learned Standing Counsel appearing for respondent nos. 1 and 2 submits that the present petition is a pre-mature petition. She draws the attention of this Court to the order dated 07th June, 2023, by which the sanctioned building plan with respect to the aforesaid property was revoked by the MCD. She submits that against the aforesaid revocation order, the owner of the said property approached the Appellate Tribunal, MCD in *Appeal No. 400/2023*.

8. She further submits that the aforesaid appeal was disposed of by the learned Appellate Tribunal, MCD vide order dated 11th December, 2023, wherein the matter was remanded back to the Quasi-Judicial Authority of the MCD to decide the matter afresh, after giving proper hearing to the owner of the aforesaid property. She further submits that the matter is now listed before the Quasi-Judicial Authority for hearing on 08th March, 2024.



9. Considering the aforesaid submissions, it cannot be said that MCD has not taken requisite action after the passing of the order dated 09th February, 2023.

10. This Court notes that by order dated 07th June, 2023 issued by the Officer of the Deputy Commissioner, City-Sadar Paharganj Zone, the MCD had revoked the sanctioned building plan with respect to the property in question. Against the aforesaid Revocation Order, upon appeal having been filed by the owner of the property, the matter stands remanded back to the Quasi-Judicial Authority of the MCD.

11. The Quasi-Judicial Authority of the MCD is duly adjudicating upon the issue and hearing is being granted to the owner of the aforesaid property, with next date of hearing before the said Quasi-Judicial Authority, being 08th March, 2024.

12. At this stage, learned counsel appearing for the petitioner submits that time bound directions be given to the Quasi-Judicial Authority to dispose of the aforesaid matter.

13. Accordingly, the respondent/MCD is directed to conclude the hearing of the owner of the aforesaid property expeditiously, preferably within four week from today.

14. With the aforesaid directions, the present petition is disposed of.

15. However, liberty is granted to the petitioner to seek remedies as per law, in case she is still aggrieved by any non-action on the part of the respondent/MCD.

MINI PUSHKARNA, J

FEBRUARY 22, 2024/c