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

+ **W.P.(C) 3109/2024**

CHET RAM KAUSHIK

..... Petitioner

Through: Ms. Konika Mitra, Mr. Hunny Veer Singh, Mr. Jugal Bagga, Mr. Sandeep Sharma, Mr. Sumit Kaushik and Ms. Smriti Shrivastava, Advs.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Karn Bhardwaj, ASC along with Mr. Shubham Singh, Mr. Rajat Gaba and Mr. Saurabh Dahiya, Advs. for R-1, 3 and 4.
Mr. Ashim Vachher and Ms. Sarita Pandey, Advs. for R-9 to 14.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

24.05.2024

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CM APPL. 31603/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM APPLs. 31602/2024 (Stay), 31604/2024 (for condonation of delay of 46 days in filing the review petition) and REVIEW PET. 219/2024 (Review of Order dated 05-03-2024)

1. The present petition has been filed seeking review of the order dated 05.03.2024. The said order reads as under:

“3.The present petition filed by the petitioner raises a grievance as regards unauthorised/illegal construction at property bearing Mustil



No. 17, Khasra No. 611 and Khasra No. 15, admeasuring 1880 square yards situated in Sangam Vihar, B-Block, New Delhi.

4. Learned counsel for the MCD who appears on advance notice submits that a demolition order has been passed qua the said unauthorized construction on 29.01.2024, and part demolition action is also stated to have taken place on 01.03.2024.

5. Learned counsel for MCD submits and undertakes on instructions that the remaining action for removal of unauthorised construction shall be undertaken expeditiously in accordance with law, latest within a period of 4 weeks from today.

6. Binding the MCD to the aforesaid statement, the present petition, alongwith the pending application, stands disposed of.”

2. It can be seen that vide the said order, this court took on record the submission made by learned counsel for the MCD with regard to the action proposed to be taken as regards the alleged unauthorized/illegal construction at property bearing Mustil No.17, Khasra No.6/1 and Khasra No.15, situated in Sangam Vihar, B-Block, New Delhi.

3. The present review petition has been filed by the review petitioners/respondent nos.9 to 14 alleging that the petitioner in W.P.(C) 3109/2024 had no *locus standi* to file the petition. It is further submitted that the construction that is subsisting in the property in question is very old and protected under National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 as amended till 2023.

4. The review petition is accompanied by an application being CM-31604/2024 seeking condonation of delay in filing the review petition. A perusal of the said application seeking condonation of delay reveals that the same does not even disclose as to when the review petitioners became aware of the order dated 05.03.2024, of which review is sought. As such, the application is thoroughly misconceived.



5. Even otherwise, vide order dated 05.03.2024 this court had merely taken on record the submissions of the learned counsel for MCD as regards the action proposed to be taken. The order does not purport to limit or in any way affect the statutory/appellate remedies of the review petitioners (if any) against any action that is proposed to be taken by the MCD qua the property in question. In fact, it transpires during the course of hearing, that the review petitioners /respondent nos.9 to 14, have already filed appeal/s before the ATMCD which is now listed on 27.05.2024.

6. It is clarified that the review petitioners shall be entitled to pursue the appeal/s filed by them, which shall be duly considered by the ATMCD on merits.

7. Learned counsel for the review petitioners contends that the proposed demolition action is scheduled on 27.05.2024 and he apprehends that the action shall be taken before the ATMCD has occasion to consider the review petitioners' request for interim relief. Mr. Sanjeev Sabharwal, learned standing counsel for the MCD submits that the demolition action is likely to be taken only in the second half of 27.05.2024. Consequently, the review petitioners are at liberty to pursue their request for urgent interim relief from the ATMCD on 27.05.2024. Liberty is granted to the petitioner to mention the matter before the ATMCD and to make a request for urgent hearing. Upon such a request being made, the ATMCD shall consider the request of the review petitioners for grant of interim relief on its own merits, taking into account the facts and circumstances of the case. It is made clear that this court has not expressed any opinion as regards the merits of any such request that may be made by the review petitioners.

8. With the aforesaid observations, the present review petition, along



with the accompanying applications, stand dismissed.

MAY 24, 2024/cl

SACHIN DATTA, J