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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3212/2024 & CM APPL 13189/2024**
WASIM AHMEDPetitioner
Through: Mr. Sunil Kumar, Adv.

Versus
MUNICIPAL CORPORATION OF DELHI & ORS.Respondents
Through: Mr. Abhinav Sharma, Mr. Mahender
Shukla, Advs. for R-1
Mr. Mohit Bhardwaj, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
% **18.09.2024**

1. The respondent-Corporation has placed on record a Status Report indicating various steps taken pursuant to the grievance raised in the instant writ petition. Paragraph Nos. 4 to 9 of the Status Report read as under:-

“4. That a work stop notice bearing No. D/AE(B)- VCSPZ/2024/2252 dated 29.02.2024 was also issued to the concerned SHO, P.S. Nabi Karim, Delhi to ensure that no unauthorized construction work is carried out in the said property. A copy of work stop notice bearing No. D/AE(B)- I/C5P21202412252 dated 29.02.2024 is annexed herewith as Annexure-C.

5. That it is respectfully submitted that apart from the above sealing action under section 345-A of the DMC Act is also initiated against the aforesaid unauthorized construction in the shape of three nos. of shop at ground floor with projection on municipal land, including raising of roof slab of shop no.3 by approx one foot in the property bearing no.11386, Bandariya Wali Masjid, Qutab Road, Ram Nagar, New Delhi-110055 and after following the due process of law, sealing order no. 35/80/SO/EE (B)- UCSPZ/2024 has been passed by the competent authority on 19.08.2024 thereby directing sealing of the property in question. A copy of sealing order passed on 19.08.2024 is annexed herewith as Annexure-D. It is submitted that in execution of sealing order passed on 19.08.2024, one shop has been sealed at two points in a sealing action taken on 03.09.2024. Photographs showing sealing action taken on 03.09.2024 are annexed



herewith as Annexure-E. It is submitted that further demolition/sealing action could not be taken as the property has been occupied illegally.

6. That it is respectfully submitted that a watch and ward letter vide no. DIAE (B)-UCSPZ/20241827 dated 04.09.2024 has been sent to the SHO P.S. Nabi Karim, Delhi requesting him to keep strict watch and ward over the sealed property so that seal affixed by the MCD on the property is not tampered with. A copy of the watch and ward letter no. D/AE (B)-IICSPZ/20241827 dated 04.09.2024 is annexed herewith as Annexure-F.

7. That since the premises have been occupied in violation of section 346 of the DMC Act, vacation notice bearing no. 826/AE (B)-VCSPZ/2024 dated 04.09.2024 u/s 349 DMC Act, 1957 of 66 has been issued to Sh. Nawab Khan/owners/occupiers directing them to vacate the premises within 24 hours so that MCD may proceed to take demolition action in the property in accordance with law with a copy to SHO PS Nabi Karim, Delhi to get the premises vacated. A copy of the vacation notice bearing no. 826/AE (B)- I/CSPZ/2024 dated 04.09.2024 is annexed herewith as Annexure-G.

8. That the demolition order no. 225/AE (Bldg.)-I/CSPZ/2024 dated 06.05.2024. has been challenged by Sh. Nawab Khan by filing an appeal bearing no.359/2024 before the Appellate Tribunal, MCD. It is submitted that vide order dated 27.05.2024, the Hon'ble Appellate Tribunal, MCD has directed the MCD to consider the application for regularization submitted by the appellant. It is submitted that the matter is now listed before Appellate Tribunal, MCD on 18.09.2024.

9. In pursuance of order dated 27.05.2024 passed by the Appellate Tribunal, MCD, Sh. Nawab Khan had submitted an application for regularization vide File No. F-05/Reg./EE(B)- I/CSPZ/2024 dated 11.06.2024 in respect of Property No. 11386, Bandariya Wali Masjid, Qutab Road, Ram Nagar, New Delhi-110055. It is submitted that the said application has been rejected due to non compliance of the I/N issued vide no. D/AE (B)-1/CSPZ/2024/478 dated 20.06.2024. Sh. Nawab Khan has been informed in this regard vide letter no. D/AE (B)-I/CSPZ/2024/624 dated 22.07.2024. A copy of the letter no. D/AE (B)-I/CSPZ/2024/624 dated 22.07.2024 is annexed herewith as Annexure-H.”

2. In view of the aforesaid, learned counsel for the petitioner seeks leave to withdraw the instant petition.
3. Leave, as prayed, is granted. The Corporation is, however, bound by



the stand taken in the Status Report and is further directed to take the issue to its logical end within a period of six months from today.

4. The petition is accordingly dismissed as withdrawn alongwith the pending application.

PURUSHAINDRA KUMAR KAURAV, J.

SEPTEMBER 18, 2024

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