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

+ **W.P.(C) 3939/2024**

RAJ KUMAR

.....Petitioner

Through: **Mr. Sanjog Singh Aneja, Adv.**

Versus

**THE COMMISSIONER MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: **Mr. Vikrant N. Goyal and Ms. Nikita
Goyal, Advs. for MCD**

Mr. Deepak Bidhuri, Adv. for R-3

**Mr. Mohit Bhardwaj and Mr. Ashok
Bhardwaj, Advs. for R-4**

**SI Dinesh Joshi and Inspector
Karamveer, P.S. Amar Colony**

CORAM:

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR
KAURAV**

ORDER

25.07.2024

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W.P.(C) 3939/2024 and CM APPLs 20702/2024, CM APPL 29957/2024

1. In view of the order passed by this Court on 16.04.2024, various steps have been taken by the respondent-MCD.
2. The respondents by way of Status Reports dated 16.04.2024, 14.05.2024 and 18.07.2024 has brought on record certain compliance.
3. The latest Status Report which came to be filed on 18.07.2024 on behalf of respondent-MCD reads as under:-

“1. That the deponent is presently posted as Executive Engineer (Bldg)-I, in the Central Zone of Municipal Corporation of Delhi. I have gone through the relevant records presently maintained by the Building



Department of the Central Zone of Municipal Corporation of Delhi as placed before me. On the basis of records place before me, I have made myself conversant with the facts of the present case and therefore, I am competent to swear the present report/affidavit, on the basis of record.

2. That, the present status report is being filed in furtherance of earlier report filed by the answering respondent/ MCD.

3. That, answering respondent in the earlier filed status report/affidavit detailed out about the actions initiated/ taken by the department concerning the unauthorized construction at subject property i.e. 28, C-24, Main Market, Garhi, New Delhi. The contents of the same are not repeated herein for the sake of brevity.

4. That pursuant to the demolition/ sealing order already stand passed, action against subject property was planned by the answering respondent/ MCD, details of action, as taken against the subject property are as under:-

S. No.	Date	Action Taken
i.	12.07.2024	Upon availability of Police Force, demolition action has been taken During the action 01 (One) RCC panel has been demolished at rear side and reinforcement has been cut with the help of gas cutter

Photographs showing the action as taken by the respondent/MCD on 12.07.2024 are annexed herewith as **Annexure: A**

5. That, action against front side of the property (occupied by Shri Mahipal Singh) could not be taken, as the Hon'ble Appellate Tribunal, MCD vide its order dated 30.04.2024 passed in appeal No. 291/2024 has restrained the answering respondent/MCD from taking any coercive action qua the portion of the appellant. The operative para of the aforesaid order is as under:-

“Considering the above facts and circumstances, the



application filed by the appellant .for urgent relief is allowed. The respondent is restrained from taking any coercive action qua the portion of the appellant shown in red colour in the site plan annexed at page No. 57 of the appeal pursuant to the demolition order dated 27.03.2024 till the next date of hearing”.

*Copy of aforesaid orders of the Hon'ble Appellate Tribunal, MCD passed in Appeal No. 291/2024 on 30.04.2024 is annexed herewith as **Annexure: B.***

6. That the further action in respect of the subject property will be taken, as per the monthly demolition schedule of the area upon availability of Police Force.”

4. In view of the aforesaid, learned counsel appearing for the petitioner submits that although the respondent-MCD has taken action as mandated *vide* order dated 16.04.2024, however, the same has not been done strictly as per paragraph No.7 of the said order.

5. It is to be noted that in respect of the certain part of the construction, the stay is operating in favour of the private respondent and the matter is *sub judice* before the Appellate Tribunal-MCD.

6. Admittedly, the petitioner is a party before the said Tribunal. Thus, the petitioner is granted liberty to agitate all his grievances before the concerned Tribunal. The Court, at this stage, is not inclined to keep the instant petition pending on its Board and instead disposes of the same in view of the Status Report placed on record. Pending application(s), if any, are also disposed of.

7. The respondent-MCD, however, is bound by the timeline and the steps which are to be taken by the respondent-MCD, in view of the Status Report placed on record.



PURUSHAINDRA KUMAR KAURAV, J

JULY 25, 2024

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