



\$~133

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

+ **CONT.CAS(C) 472/2024 & CM APPL. 28381/2024**

MR SHAILESH AHLUWALIA

..... Petitioner

Through: Mr. Shyam Babu, Advocate
(Email: sbgandhi2007@gmail.com)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.... Respondents

Through: Ms. Puja Kalra, SC for MCD with
Mr. Rastogi, Asst. Engineer, South
Zone (M:9312839323)
Ms. Mehak Nakra, ASC-Civil, Ms.
Aditi Kapoor, Mr. Devansh Solanki,
Advocates for R-5 (M:9871144582)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

13.05.2024

CM APPL. 28381/2024

1. The present application for early hearing has been filed on behalf of the petitioner on the ground that despite opportunity, no status report has been filed on behalf of the respondent-Municipal Corporation of Delhi ("MCD"). However, this Court notes that the Status Report showing the action taken by the MCD has already been filed and placed on record before this Court. Accordingly, the present petition is taken up for hearing today itself.

2. Application is disposed of.

CONT.CAS(C) 472/2024

3. The present petition as been filed alleging willful disobedience of the



order dated 06th December, 2023 passed in W.P.(C) 15676/2023. By way of the said order, the MCD had been directed to demolish the illegal construction on the second and third floor of the property bearing No. B-163, Shivalik, New Delhi-110017.

4. As per the Status Report filed on behalf of the respondent-MCD, action has been taken in the property in question, as follows:

“xxx xxx xxx

10. That it is also pointed out here that pursuant to aforesaid demolition/sealing orders already passed in respect of the subject property, the Building Department-I of South Zone /MCD has also tried / taken / carried out the necessary demolition / sealing action as per details given herein below:-

S.No.	Date of Action	Action taken
1.	23/08/2021	Action could not be taken due to non availability of police force.
2.	14/12/2023	Upon availability of police force, 01 RCC panel has been demolished and cut down the reinforcement bars with the held of gas cutter on the roof slab of Second floor and made the demolished portion uninhabitable.
3.	10/04/2024	Upon availability of police force, so as to ensure that no further construction be undertaken in the property, the same has also been sealed at 01 point at the entry (near stair case) at Second floor.

The photographs taken during the aforesaid demolition/sealing action alongwith copy of no force letters are also annexed herewith as **Annexure-C (Colly)**.

11. That after taking the aforementioned action, a letter dated 10/04/2024 has also been sent to concerned SHO PS Malviya Nagar, with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that the seals affixed by the department may not be tampered with. Copy of letter as sent in this regard is also annexed herewith as **Annexure - D.**

xxx xxx xxx”



5. Learned counsel for MCD submits that the next action on the property in question, by the department, is now fixed for 20th May, 2024.
6. A perusal of the Status Report filed on behalf of the MCD shows that partial action has already been taken by the MCD and further the property in question has been sealed near the staircase at second floor, i.e., the unauthorized construction is lying sealed, as of today.
7. The statement made by learned counsel for the MCD that further action is now slated for 20th May, 2024, is taken on record. The MCD is bound by the aforesaid statement that further action shall be taken for the purposes of removal of the unauthorized construction in the property in question.
8. Accordingly, no further orders are required to be passed in the present proceedings.
9. It is directed that in case the petitioner has any pending grievance, the petitioner may approach the Special Task Force (“STF”), in terms of the directions passed in the order dated 06th December, 2023 passed in *W.P.(C) 15676/2023*.
10. With the aforesaid directions, the present petition is disposed of.
11. The next date of hearing of 08th August, 2024 stands cancelled.

MINI PUSHKARNA, J

MAY 13, 2024

au