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

+ **W.P.(C) 5189/2024**

**ARUN**

.....Petitioner

Through: **Mr. Achint Kumar and Ms. Sakshi Singh, Advocates**

versus

**MUNICIPAL CORPORATION OF DELHI & ORS.**

.....Respondents

Through: **Mr. Prabhat Kumar, Adv. for MCD.  
Mr. Raghvendra Upadhyay, Panel Counsel (GNCTD) alongwith Ms. Purnima Jain and Mr. Vaibhav Tripathi, Advs. for R-3/SHO.**

**CORAM:**

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

**ORDER**

**15.07.2024**

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1. The Status Report appears to have been filed by the respondents.
2. Let the same be also placed on record. Paragraph nos. 2 to 4 of the Status Report reads as under:-

*"2. That in terms of the previous orders of this Hon'ble High Court dated 09/04/2024, a detailed Status Report by way of Affidavit was submitted by the Respondent /MCD Building Deptt., Najafgarh Zone) on 24/05/2024 in respect to impugned property booked addressed as "P.No.568, Kh.No.24/2, Kakrola Housing Complex (in front of Metro Pillar No.800 & adj. to Go-Mart), Nishant Park, Kakrola" vide U.C. File No.129/B/UC/NG/24 dated 07/03/2024. A copy of Status Report dated 24/05/2024 is annexed herewith and marked as **Annexure-A**.*



3. That meanwhile it came into the notice of the answering Department that Sh. Virender Singh has filed an Appeal No.279/2024 before the Hon'ble Appellate Tribunal:MCD against the Demolition Order dated 14/04/2024 passed by MCD qua impugned property. Further, the Department received a copy of Hon'ble Tribunal's order dated 29/04/2024 related to said Appeal, whereby the Respondent/MCD has been restrained from taking any coercive action against the property, subject matter of the present appeal, pursuant to demolition order dated 14/04/2024, till the next date of hearing. The said Appeal is further listed for 26/07/2024. Copy of said order dated 29/04/2024 and further order dated 06/06/2024 of Hon'ble Tribunal are annexed herewith as **Annexure-B (Colly.)**.

4. That further action will be taken by the answering Respondent/MCD against the impugned unauthorized construction/property; as per the provisions of DMC Act and as per prevailing laws."

3. It is thus seen that Mr. Virender Singh has filed an appeal bearing No. 279/2024 before the Appellate Tribunal-MCD against demolition order dated 14.04.2024. The dispute is stated to be *sub judice* before the Appellate Tribunal-MCD and *vide* order dated 29.04.2024, the said Tribunal has restrained the respondents from taking any coercive action against the property in question.

4. In view of the aforesaid, in the instant writ petition, no substantial relief can be granted at this stage. However, liberty is granted to the petitioner to reagitate the issue once the matter is decided by the Appellate Tribunal-MCD.

5. Reserving all rights and contentions, the petition stands disposed of at this stage.

**PURUSHAINDRA KUMAR KAURAV, J**

**JULY 15, 2024**

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