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

+ **W.P.(C) 6906/2023 & CM APPL. 53197/2023**

MANOJ KUMAR

..... Petitioner

Through: Mr. M.S. Jadhav, Advocate (through
VC)

versus

THE COMMISSIONER OF MCD & ORS.

..... Respondent

Through: Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Mr. Vansh Luthra and Ms. Simran
Arora, Advocates for MCD
Mr. Ajay Vikram Singh, Advocate for
R-4/DJB
Mr. Moksh Arora and Mr. Santosh
Ramdurg, Advocates for R-5 (BSES-
RPL)
Mr. Viraj R Datar, Senior Advocate
with Mr. Saurav Joon, Mr. Srikant
Singh, Ms. Swati, Mr. Rajiv Sharma
and Mr. Prashant Sharma, Advocates
for R-7

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

02.04.2024

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1. Present writ petition has been filed with the following prayers:

“1. To get demolished the illegal construction and unauthorised 6th floor building constructed in the prohibited area at the property bearing No.2-AB, Masjid Moth Village, New Delhi-110049 measuring more than 2000 sq. meters and 100% coverage adjacent to the Historical monuments without taking NOC from the relevant authorities as it destroyed the beauty and safety of the Moth Ki Masjid and materially affects the right of safety and security to the general public in Lal Dora which is dangerous to life of the



general public and needs to be get demolished with immediate effect in the welfare of public at large and in the interest of justice.

2. To pass an order to initiate disciplinary/ vigilance enquiry to punish the corrupt officials of the respondents who have nexus with the encroachers/builders just to make illegal benefit which is prima facie dereliction of duty and involvement in wrongdoings / criminal activities who failed to take action against the builders for illegal constructions and encroachment as per OM dated 23rd May, 2018 issued by Ministry of House and Urban Affairs, Govt. of India regarding action plan for monitoring of all constructions activities in Delhi and fixing of responsibility in case of violations of MPD, unified Building Bye Laws and other illegal construction activities in the interest of justice.

3. To pass an order for disconnection of electricity supply and water supply which is being misused by the occupiers of unauthorised building constructed without taking permission from relevant authorities due to connivance of corrupt officials in the interest of justice.

4. This is further prayed to kindly pass any other order (s) or direction (s) as the Hon'ble Court may deem fit and proper in the facts and circumstances of the matter in favour of the petitioner in the interest of justice."

2. During the pendency of the present writ petition, the Municipal Corporation of Delhi ('MCD') has after issuance of Show Cause Notice dated 18th October, 2023 passed a demolition order dated 30th October, 2023.

3. Aggrieved by the said order of demolition, the owner of property No. 2C, Village Masjid Moth, New Delhi has approached the Appellate Tribunal, Municipal Corporation of Delhi.

4. *Vide* judgment and order dated 10th January, 2024, the Appellate Tribunal, Municipal Corporation of Delhi has dismissed the appeal filed by the owner/occupier of property No. 2C, Village Masjid Moth, New Delhi.

5. However, in an appeal filed by the owner/occupier of property No. 2C, Village Masjid Moth, New Delhi, the Principal District and Sessions Judge (South) Saket Courts, New Delhi has passed an interim order of stay dated 27th March, 2024.



6. Since, the demolition order is subjudice before the Principal District and Sessions Judge (South) Saket Courts, New Delhi, the present writ petition is closed.

7. Accordingly, the present writ petition along with pending application stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 2, 2024/msh