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

+ **W.P.(C) 5380/2024**

SUMIT

..... Petitioner

Through: Mr. Sumit Rana, Adv.

versus

**MUNICIPAL CORPORATION OF DELHI, THOUGH
COMMISSIONER & ORS.**

..... Respondents

Through: Mr. Sanjeev Sabharwal, Adv. for
MCD.

Mr. Parvinder Chauhan and Ms.
Aakriti Garg, Advs. for the owner
(through v/c).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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24.05.2024

CM APPL. 31589/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM APPL. 31588/2024 (filed on behalf of the petitioner for directions)

1. The present application has been filed by the petitioner alleging that the MCD has not complied with the directions contained in the order dated 16.04.2024. The said order reads as under:

"1. The present petition raises a grievance as regards alleged unauthorised construction at property bearing Khasra no. 49, Gali no.3, adjoining to House no. 108C, opposite to Shaheed Bhagat Singh Park, New Delhi-110030.

2. Learned counsel for MCD, who appears on advance notice, submits that a demolition order qua the property in question has already been passed on 04.04.2024.

3. Learned counsel for MCD submits on instructions that further action



in accordance with law shall be duly taken with regard to the unauthorised construction.

4. Taking the aforesaid statement on record and binding the respondent/MCD thereto, the present petition, alongwith pending application/s, is disposed of.

5. The MCD is also directed to ensure that if any unauthorised construction is ongoing, the same be brought to an immediate halt, in accordance with law.”

2. It is submitted that no action whatsoever has been taken by the MCD with regard to the ongoing unauthorized construction in the property in question, despite the directions contained in para 5 of the aforesaid order dated 16.04.2024.

3. Issue notice.

4. Learned counsel, as aforesaid, appears and accepts notice.

5. Let the MCD file a status report setting out the steps taken by it as regards the alleged ongoing unauthorized construction in terms of the directions contained in the order dated 16.04.2024 came to be passed. The status report shall specifically indicate whether any unauthorized construction has taken place after 16.04.2024 and the steps taken by the MCD with regard thereto.

6. At this stage, learned counsel for owner/occupier of the property in question enters appearance. Let a copy of the present application be supplied to him and let steps be taken by the petitioner/ applicant to implead the said owner/ occupier of the property.

7. Learned counsel for the owner/occupier of the property submits that he would be approaching the ATMCD to assail the action proposed to be taken by the MCD qua the property in question. Needless to say, any action proposed to be taken by the MCD shall be subject to the orders that may be



passed by the ATMCD.

8. List on 12.07.2024.

MAY 24, 2024/cl

SACHIN DATTA, J