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

+ **W.P.(C) 7204/2021 & CM APPL. 26834/2021**

GAGANDEEP SINGH VIJ & ANR.

.....Petitioners

Through: Mr. Rajesh Manchanda, Mr.
Deepanshu Bharti and Mr. Mayank
Nautiyal, Advocates with P-1 in
person.
Mr. Galib Kabir, Advocate for P-2.

versus

**MUNICIPAL CORPORATION
OF DELHI & ORS.**

.....Respondents

Through: Mr. Anand Prakash, SC with Ms.
Varsha Arya, Advocate for MCD.
Inspector Sunil with SI Subhash,
Crime Branch.
Mr. Rakesh Malhotra, Advocate
for R-3.

**CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER
02.12.2024**

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1. The writ petition is directed against alleged unauthorised construction in property *No.C-116, Fourth Floor, New Rajinder Nagar, New Delhi-110060* [“subject property”].
2. Learned counsel for the petitioners state that the petitioners do not wish to proceed with the writ petition in view of the fact that the owners/occupants of the subject property have undertaken not to carry out any further construction.

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3. Mr. Anand Prakash, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], submits that a status report was filed on 03.02.2022, in which it was stated that although some building material was found on the subject property, a work stop notice was issued, and no further construction was found to be ongoing.

4. While the matter ought to have ended there, the proceedings are also pending for consideration of CM APPL. 26834/2021, filed by respondent No.3 against petitioner No.1 under Section 340 of the Code of Criminal Procedure, 1973. The principal contention is that, after filing of the writ petition, petitioner No.1 demanded a sum of Rs.20 to 25 lakhs to refrain from obstructing further construction on the terrace of the subject property. A transcript of the conversation between the parties has been reproduced in the order dated 09.02.2023. The matter was, therefore, referred for investigation to the Deputy Commissioner of Police, Crime-II, Delhi [“DCP (Crime)”].

5. The status report filed by DCP (Crime) on 12.04.2023 includes the outcome of the investigation. It is stated that petitioner No.1 was present in a meeting where he demanded money from respondent No.3 for allowing unauthorised construction in the premises, and that an FIR [FIR No. 0086 of 2023], under Section 385 of the Indian Penal Code, 1860, has been registered against petitioner No.1 at P.S. Crime Branch, Delhi. Inspector Sunil from the Crime Branch is present is person, and states that the FIR remains under investigation. The voice sample of the accused has been sent for analysis to the Forensic Science Laboratory. As an FIR has already been registered against petitioner No.1, no further orders are required in CM APPL. 26834/2021.



6. Having regard to the fact that the petitioners do not seek any further orders in the writ petition, the writ petition alongwith the pending applications is disposed of.

7. As far as the FIR is concerned, the police authorities are directed to take it to its logical conclusion. Disposal of the writ petition will not affect the criminal proceedings in any way.

PRATEEK JALAN, J

DECEMBER 2, 2024/SS/JM/