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

+ W.P.(C) 6266/2024 (*Disposed of case*)

MUJEEB UR REHMAN

.....Petitioner

Through: Petitioner in Person.

versus

MUNICIPAL CORPORATION OF  
DELHI AND ORS.

.....Respondents

Through: Mrs. Anshula L. Bakhru & Ms.  
Vasundhara Bakhru, Advocates for  
R-1.

**CORAM:**

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

**ORDER**

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**02.12.2024**

**CM APPL. 69982/2024 (CM For Restoration)**

1. This is an application for restoration of CM APPL. 51310/2024 filed by the writ petitioner, seeking a direction upon the respondents to remove the unauthorised structure at premises *No. Rehmat Apartment, B-28/4, Lane No. 7, Shaheen Bagh, South East Delhi* ("subject property), and to remove the debris accumulated therein.

2. For the reasons stated in the application, and with the consent of learned counsel for the respondent, the application is allowed. The order dated 04.09.2024, by which it was dismissed for want of prosecution in default, is set aside, and the application [CM APPL. 51310/2024] is restored to its original number. The application is taken up for consideration with the consent of learned counsel for the parties.



**CM APPL. 51310/2024 (Application seeking direction against not complying order of this Court by the respondent)**

1. The captioned writ petition was disposed of by an order dated 03.05.2024, recording the submission of the Municipal Corporation of Delhi [“MCD”] as follows:-

“1. The present petition raises a grievance as regards the alleged unauthorized construction on roof top of the building of Rehmat Apartment, B-28/4, Lane No.7, Shaheen Bagh, South East Delhi.

2. Learned counsel for the MCD, who appears on advance notice, submits that the property in question was inspected and unauthorized construction was found to be subsisting therein on the fourth floor, inasmuch as two rooms were constructed on the back portion of the fourth floor. He further submits, on instructions from Mr. D.K. Meena, Asstt. Engg., that the property was booked for unauthorized construction on 02.05.2024, and that further action for removal of the unauthorized construction shall be taken expeditiously, in accordance with law. He further submits that if any unauthorized construction is found to be ongoing, urgent steps shall be taken to bring the same to an immediate halt.

3. The above statement of learned counsel for the MCD is taken on record. In view thereof, no further orders are required to be passed in the present petition and the same is accordingly disposed of.

4. Let a compliance affidavit be filed within a period of six weeks by the MCD.”

2. Pursuant to this order, MCD filed a status report dated 05.07.2024, in which it was stated that unauthorised construction [two rooms, toilet, bathroom at the back portion of the fourth floor] was booked on 02.05.2024, and a demolition order was passed on 14.05.2024. The utility service providers were directed to disconnect the electricity and water supply on 19.06.2024. Demolition was attempted on 13.06.2024, and the structures were found to be occupied, and a vacation notice was therefore issued to the occupants of the subject property on 18.06.2024. However, demolition action was carried out on one room at the roof top of the



subject property. Sealing proceedings were also initiated.

3. The petitioner has thereafter filed this application for demolition of the unauthorised structure and the removal of debris. The petitioner is also seeking initiation of contempt proceedings against the respondents.

4. Learned counsel for the respondent reiterates the contents of the aforesaid status report and further states that a sealing order was passed on 20.07.2024, pursuant to which the unauthorised construction has been sealed on 08.08.2024. A further vacation notice has also been issued on 12.08.2024. Learned counsel states that further action will be taken expeditiously in accordance with law upon lifting of the Graded Response Action Plan-IV restriction, subject to police assistance.

5. In view of the aforesaid contentions, no further orders are required on this application, except to reserve the liberty to the petitioner to initiate independent proceedings in contempt, if he is so advised.

6. The application is disposed of in terms of the aforesaid.

**PRATEEK JALAN, J**

**DECEMBER 2, 2024**

*'pv/JM'/'*