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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 736/2024 & CM APPL. 33899/2024, CM APPL. 33900/2024**

**BLOCK A AND C RWA SHIV PARK KHANPUR THROUGH ITS
PRESIDENT** Petitioner
Through: Mr. Shashank Datta Vashista,
Advocate
versus

**SH. GYANESH BHARTI MUNICIPAL CORPORATION OF
DELHI & ORS.** Respondents
Through: Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Mr. Vansh Luthra, Ms. Simran Arora,
Advocates for MCD (M:9811160827)
Ms. Azra rehman, Advocate for
Applicants in CM APPL. 33899/2024
(M:9899632950)

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
% **31.05.2024**

CM APPL. 33900/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 736/2024 & CM APPL. 33899/2024

3. The present application being, *CM APPL. 33899/2024*, has been filed under Order I Rule 10 of Code of Civil Procedure, 1908 ("CPC") seeking impleadment of the applicant, who is stated to be the Contractor and Builder of the property in question, i.e., plot bearing nos. A-15 and A-16, Shiv Park, Khanpur, New Delhi ("Subject Property").



4. Per contra, learned counsel for respondent-Municipal Corporation of Delhi (“MCD”), submits that the action with respect to the unauthorized construction in the subject property, already stands taken. He submits that the action was finally taken by the MCD on 08th May, 2024, and pursuant to the same, the entire property has been sealed.

5. Learned counsel for respondent-MCD has handed over copies of the photographs showing the action taken by the MCD on 08th May, 2024, which are taken on record.

6. This Court notes that the present petition has been filed alleging willful disobedience of the order dated 03rd April, 2024 passed in *W.P.(C) 4369/2024*, wherein, statement of MCD was recorded that action qua the unauthorized construction existing in the subject property, had already been initiated.

7. When the matter was listed for hearing on 07th May, 2024, statement of learned counsel for respondent-MCD was recorded, wherein, it was recorded that part action had already been taken by the MCD on 08th April, 2024, 18th April, 2024 and 25th April, 2024.

8. In the order dated 07th May, 2024, this Court had also recorded the submissions made by learned counsel for the petitioner that unauthorized construction was still going on in the said property.

9. However, learned counsel for MCD submits that the on-going unauthorized construction was stopped, and further action was also taken by the MCD on 08th May, 2024.

10. This Court takes note of the statement made by learned counsel for the MCD that action against the unauthorized construction in the subject property, already stands taken and the property is lying sealed. The photographs handed



over today shows that action has been taken by the respondent-MCD against the unauthorized construction existing in the property in question.

11. The aforesaid submission with respect to action taken by the MCD is also accepted by learned counsel for the applicant in *CM APPL. 33899/2024*.

12. Considering the submissions made before this Court, the applicant in *CM APPL. 33899/2024* is hereby bound to not carry out any further unauthorized construction in the subject property, except in accordance with law.

13. Considering the fact that subsequently action has already been taken by the MCD in the subject property, no further orders are required to be passed in the present petition.

14. Accordingly, the present petition is disposed of, along with the pending applications.

15. The next date of hearing of 27th August, 2024, stands cancelled.

MINI PUSHKARNA, J

MAY 31, 2024

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