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

+ **CONT.CAS(C) 752/2024 and CM APPL. 27128/2024** (for appointment of Local Commissioner)

ANWER QURESHI

..... Petitioner

Through: Mr. Kamran Malik and Mr. Ashraf Farooqui, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS..... Respondents

Through: Ms. Anshula L. Bakhru, Adv. for R-1 /MCD.

Mr. Sunil Satyarthi, Adv. for R-5.

Mr. Tushar Sannu and Mr. Satyam, Advs. along with SI Jainind Kumar, PS Jamia Nagar.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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07.05.2024

CM APPL. 27127/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CONT.CAS(C) 752/2024

1. The present petition has been filed by the petitioner alleging contempt of the directions contained in the order dated 12.03.2024, passed in W.P.(C) 3674/2024. The said order reads as under:

“1. The present petition raises a grievance as regards the illegal and unauthorized construction over Plot No.575A, Gali No.22, Near Moti Masjid Zakir Nagar, Khasra No.241, Village Joga Bai South East, Delhi-110025.



2. *Learned counsel for the MCD, who appears on advance notice, submits that requisite action with regard to the said unauthorized construction is being taken and for this purpose a demolition order is stated to have already been issued on 23.02.2024. It is submitted, on instructions that the requisite demolition action shall be taken expeditiously, in accordance with law.*
3. *Taking on record the aforesaid statement and binding the respondent/MCD thereto, the present petition is disposed of.*
4. *The MCD is also directed to ensure that if any unauthorized construction is ongoing at the property in question, immediate steps shall be taken to put the same to an immediate halt.*
5. *The present petition stands disposed of in the aforesaid terms.”*

2. Learned counsel for the MCD submits that demolition action was first taken on 15.02.2024 *qua* the stilt, ground and first floor of the property in question. It is further submitted that after the aforesaid order dated 12.03.2024 came to be passed, further action was taken on 27.03.2024 *qua* the second floor and certain columns which were being raised in the second floor of the property. It is thus contended that appropriate action has been diligently taken to comply with the directions contained in the order dated 12.03.2024, including removal of unauthorized construction that was found to be subsisting or ongoing. It is submitted that further demolition action is scheduled to be taken on 30.05.2024.

3. It is assured and undertaken, on instructions, that the proposed demolition action shall be taken to its logical conclusion and the unauthorized construction shall be removed in accordance with law. Needless to say, the same shall be necessarily subject to the statutory/appellate remedies of owner/occupier of the property in question.

4. In view of the aforesaid factual position highlighted by learned counsel for the MCD, it cannot be said that there has been any wilful disobedience of the directions contained in the order dated 12.03.2024.



5. The present petition is accordingly, dismissed, however, binding the respondent/MCD to the aforesaid statement that appropriate action shall be taken in accordance with law *qua* any subsisting unauthorized construction in the property in question.

MAY 7, 2024/cl

SACHIN DATTA, J