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

+ **W.P.(C) 6635/2024, CM APPL. 27622/2024 - STAY**

ADIL MIYAN

..... Petitioner

Through: **Mr. Amit Srivastava, Adv. (through VC)**

versus

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

Through: **Mr. Vishal Raj Sehijpal, (SC) Adv. for MCD. (through VC)**

Mr. Santosh Kr. Tripathi, SC (Civil) alongwith Mr. Kartik Sharma and Mr. Rishabh Srivastava, Advs. (for R-2/R-4) alongwith ASI Virender Kumar, PS Jamia Nagar.

Ms. Prabh Sahay Kaur, SC alongwith Mr. Bir Inder Singh Gurm, Adv. for R-5/STF.

Mr. Shekhar Dasi and Mr. Mohd. Talha, Adv. for R-7.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

13.05.2024

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1. The present petition raises a grievance as regards illegal and unauthorized construction raised by respondent nos.6 to 8 at property admeasuring 140 sq. yards approximately at Khasra No.134/1, 167 and 169, Village Joga Bai at House No.229, Gali No.5, Zakir Nagar, Okhla, New Delhi-110025.

2. Learned counsel for the respondent no.7, who appears on advance notice, strenuously objects to the maintainability of the present petition inasmuch as the petitioner has no *locus standi* to file the present petition.



3. Learned counsel for the MCD, submits that the property in question has already been booked for unauthorized construction on 26.03.2024. Further, a demolition order *qua* the property in question is also stated to have been issued on 05.04.2024.
4. The aforesaid statement made by the learned counsel for the MCD is taken on record.
5. In view of the aforesaid statement made by the learned counsel for the MCD, learned counsel for the petitioner does not wish to pursue the present petition; the same is accordingly dismissed as withdrawn.
6. The concerned SHO, PS Jamia Nagar, is directed to provide requisite assistance to the MCD, as and when sought for the purpose of action proposed to be taken by the MCD *qua* the property in question.
7. Let a copy of the demolition order *qua* the property in question be supplied to the learned counsel for the respondent no.7. Needless to say, any action taken in respect of the property shall be subject to the statutory/ appellate remedies of the owner/ occupier of the property in question.

SACHIN DATTA, J

MAY 13, 2024/r