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

+ **CONT.CAS(C) 793/2024 & CM APPL. 28618/2024**

KAILASH

..... Petitioner

Through: Mr. Mohak Bhadana, DHCLSC, Adv.

versus

RAJIV JAIN, ASSISTANT ENGINEER (MCD)

..... Respondent

Through: Mr. Anand Prakash, SC with Ms.
Varsha Arya and Mr. Satbeer
Prahapati, Advs. for MCD.
M: 8851801293

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

14.05.2024

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CM APPL. 28618/2024 (For Exemption)

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

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3. The present petition has been filed alleging willful disobedience of the order dated 16th January, 2023 passed in *W.P.(C) No. 4112/2021*, which pertained to the issue of unauthorized construction in property bearing no. *B-212, JJ Colony, Inderpuri, New Delhi*.

4. As per the aforesaid order, directions had been issued to the respondent-Municipal Corporation of Delhi ("MCD"), to handover a copy of the demolition order to learned counsel for respondent no.1. Thereafter, the respondent no.1 had been granted liberty to approach the Appellate



Tribunal, Municipal Corporation of Delhi (“ATMCD”), challenging the demolition order.

5. Learned counsel appearing for the petitioner submits that despite the Court taking cognizance of the unauthorized construction in the aforesaid property, no action has been taken by the MCD.

6. Learned counsel appearing for the petitioner submits that he has given a representation dated 16th April, 2024 to the MCD seeking information as regards the further action in the property in question. He further submits that no reply has been given to the petitioner as yet.

7. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

8. Learned counsel appearing for the respondent-MCD submits that in terms of the order dated 16th January, 2023, copy of the demolition order was supplied to Smt. Kamla Devi, i.e., the owner of the property in question. He submits that thereafter, the owner of the property in question, had to approach the ATMCD. He submits that he would have to seek instructions in that regard. However, he submits that the representation dated 16th April, 2024 submitted by the petitioner shall be dealt with expeditiously.

9. It is directed that the representation dated 16th April, 2024 of the petitioner shall be decided, and a Speaking Order shall be passed on the same. The said Speaking Order shall be supplied to the petitioner on the address, as given in the Memo of Parties filed in the present petition. The said exercise be carried out by the respondent-MCD expeditiously, preferably within a period of four weeks from today.

10. It is further directed that in case there is no interim protection granted by ATMCD, then the MCD shall take appropriate action against the existing



unauthorized construction, if such unauthorized construction still exists.

11. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MAY 14, 2024/kr