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

+ **CONT.CAS(C) 903/2024**

VIKAS CHAUDHARY

..... Petitioner

Through: Mr. Ruchir Mishra, Mr. Mukesh
Kumar Tiwari, Mr. Ramneek Mishra,
Mr. Rupinder Pal Singh and Mr.
Vikas Chaudhary, Advs.

versus

GYANESH BHARTI & ORS.

..... Respondent

Through: Ms. Puja Kalra, Standing Counsel.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.05.2024

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CM APPL. 32518/2024 (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 order dated 16th May, 2024 passed in *W.P.(C) No. 7047/2024*, wherein, during the course of hearing on 16th May, 2024, it was submitted on behalf of Municipal Corporation of Delhi ("MCD") that further demolition action has been scheduled in respect of the property in question on 20th May, 2024, on which date, the entire unauthorized construction shall be demolished.
4. Learned counsel appearing for the petitioner submits that on 20th May, 2024, only minor action in the form of ornamental punctures, has been



undertaken by the MCD,

5. Issue notice. Notice is accepted by the learned counsel appearing for the respondents.

6. Learned Standing Counsel appearing for the respondent/MCD has handed over copy of the photographs of the action that was taken on 20th May, 2024, alongwith letter dated 20th May, 2024 to the Stations House Officer (“SHO”), Police Station, New Friends Colony in order to keep a watch and ward over the property in question to show that the property in question is now lying sealed.

7. Learned Standing Counsel appearing for the respondent/MCD submits that full action has been taken and all the rooms right from basement to fourth floor have been demolished and the property has been made inhabitable.

8. The documents submitted by the learned counsel of the MCD are taken on record.

9. Perusal of the documents submitted by the MCD show that action has been taken by the MCD, and roof of each floor, has been removed. In fact, perusal of the photographs, as handed by learned counsel for MCD, show that the sky is visible from the ground floor of the property.

10. This court also takes note of the submission made by the learned counsel for the respondent/MCD that only the columns exist, as of now.

11. It is also to be noted that by order dated 16th May, 2024, the court had given eight weeks to the MCD to file its compliance affidavit. However, the present petition has been filed at a pre-mature level by the petitioner, without that even waiting for the period of eight weeks to lapse.

12. Considering the submission made before this Court, the MCD is



directed to take further action to demolish the outer structure of the building also, which still exists, and which is apparently unauthorised.

13. Let the needful be done within the time, as granted vide order dated 16th May, 2024 in *W.P. (C) No. 7047/2024*.

14. With the aforesaid directions the present petition is disposed of.

MINI PUSHKARNA, J

MAY 28, 2024/ss