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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12917/2022 & CM APPL 39242/2022**
ANOOP GAURPetitioner

Through: Mr. Shivendu Singh, Adv.
versus

MUNICIPAL CORPORATION OF DELHI THROUGH
COMMISSIONER & ANR.Respondents

Through: Mr. Kapil Dutta and Mr. Ajjay Arora,
Adv. for MCD
Mr. Lalit Valecha, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **11.09.2024**

1. The petitioner in the instant petition has prayed for the following reliefs:-

"i. Issue an appropriate writ or direction, more appropriately, writ of mandamus thereby directing respondent No.1 to demolish and seal the illegal and unauthorized construction raised by respondent No. 2 at the Application for interim directions under section 151 CPC on behalf of the petitioner for restraining, sealing and demolishing of the unauthorized construction raised over construction at Plot No-C-842, Block-C, Near Sivas Public School, Mangal Bazar Road, Sangam Vihar, New Delhi alongwith supporting affidavit.

ii. Pass such other or further order (s) that this Hon'ble High Court deems fit and proper in the facts and circumstances of the instant case and in the interest of justice and equity."

2. Learned counsel appearing on behalf of respondent no.2, at the outset, submits that the property in question stands demolished.

3. The Court takes note of the status report dated 06.08.2024 filed by the respondent-Corporation, which reads as under:-

"3. That pursuant to demolition/sealing orders already passed in respect of the subject identified property i.e. bearing No.C-842 (Adj. C-841), Block-C, Sangam Vihar, Near Siwas Public School, New Delhi, the Building



Department -II of South Zone-MCD has undertaken the further demolition I sealing action on 1610712024, vide same upon availability of police force, 01 RCC panel has been demolished at roof of Second floor and reinforcement bars cut down with the help of gas cutter. Beside this, 01 room at Second floor has been sealed at 01 point. The photographs taken during the aforesaid demolition I sealing action are annexed herewith as Annexure- A (Colly).

4. That after taking the aforesaid demolition I sealing action, a letter dated 1610712024 has also been sent to concerned, SHO PS Sangam Vihar, New Delhi with the request to direct the concerned patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored/repared and the seals affixed by the department may not be tampered with. Copy of the said letter is also annexed herewith as Annexure-B.

5. That the department has now fixed the further action programme in respect of the subject property for 13/08/2024 which will be taken/carried out, upon availability of police force.”

4. During the course of hearing, learned counsel for the respondent-Corporation submits that further demolition action is scheduled for 24.09.2024.

5. The Corporation is directed to take the issue to its logical end within a period of four months from today. Let the action so taken be informed to the petitioner.

6. If the petitioner, thereafter, has any further grievance, he shall be at liberty to approach the Special Task Force constituted in terms of the directions passed by the Supreme Court in the case of **M.C. Mehta v. Union of India**.

7. Reserving all rights and contentions in favour of the petitioner, the petition stands disposed of, alongwith pending application.

PURUSHAINdra KUMAR KAURAV, J
SEPTEMBER 11, 2024/p'ma