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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 950/2024 & CM APPL. 34311/2024**
MOHD AZHAR SAIFI Petitioner

Through: Petitioner in person.

versus

GYANESH BHARTI Respondent

Through: Mr. Mukesh Gupta, SC with Mr.
Shashi Gupta and Mr. Aranav Gupta,
Advocates.
(M): 9810144127

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
31.05.2024

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CM APPL. 34311/2024 (for exemption)

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

CONT.CAS(C) 950/2024

3. The present petition has been filed alleging willful disobedience of the order dated 12th September, 2023, passed in *W.P. (C) No. 1333/2023*, wherein, it had been noted as follows:-

“xxx xxx xxx

3. *Learned counsel for MCD states that no action is possible at this stage in respect of shops adjoining flat No. D-50, Swami Dayanand Colony, but the MCD proposes to take expeditious action in accordance with law with regard to the shops adjoining D-49, Swami Dayanand Colony. He states that MCD will take appropriate action expeditiously and, in any event within three months from today.*



xxx xxx xxx”

4. The petitioner, who appears in person, submits that despite the aforesaid directions, no action is being taken by the Municipal Corporation of Delhi (“MCD”).
5. Per contra, Mr. Mukesh Gupta, learned Standing Counsel appearing for respondent/MCD, has handed over orders passed by the Learned Appellate Tribunal, MCD (“ATMCD”), to submit that the private owners have approached the ATMCD and by order dated 02nd November, 2023, the learned ATMCD has restrained the MCD from taking any coercive action *qua* the property in question. He further submits that the appeal before the learned ATMCD, is next listed on 27th August, 2024.
6. Considering the aforesaid, the petitioner, who appears in person, submits that he shall withdraw the present petition.
7. Accordingly, the present petition is dismissed as withdrawn.
8. However, liberty is granted to the petitioner to revive the present petition, in case the grievance of the petitioner, still survives.

MINI PUSHKARNA, J

MAY 31, 2024

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