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

+ **W.P.(C) 9757/2024 & CM APPL. 40059/2024**

JAI PRAKASH NARAIN TIWARI

.....Petitioner

Through: Ms.Anuradha Mishra and Mr.Ankit
Kumar Vats, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Mr.Umang Tyagi, ASC with Ms.Aditi
Kapoor, Adv for MCD.
Mr.Mohit Bhardwaj, Adv for
R-2 & 3.
Mr.Ankit Rathi and Mr.Sahil Rana,
Advs for R-4.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **01.08.2024**

1. Respondent-MCD in its Status Report has stated as under:-

"5. That it is pertinent to mention here that the property in question i.e. D-1/54-C, Budh Vihar, Phase-I, Delhi was inspected by area JE(B) and during the said inspection unauthorized construction in the shape of entire ground floor, first floor, second floor with projection on municipal/government land was found and the same has been booked vide UC file No. 68/UC/B-1/25/RZ/24 dated 13.05.2024. That in continuation of the same show cause notice u/s 344(1) and 343 of the DMC Act, 1957 was issued vide printed No. 10226 dated 13.05.2024. That in response to the show cause notice no reply was received and accordingly after following due process of law demolition order was passed in the present matter on 05.06.2024.

6. That it is important to mention here that after the passing of the demolition order demolition action on the subject property was taken on 12.07.2024 thereby demolishing the roof of a toilet made up of T-Iron and red stone and brick of the toilet constructed on the roof of



second floor with the help of police force from PS Vijay Vihar, Delhi .

7. That in continuation of the same another demolition action programme over the subject property was fixed for 27.07.2024 and on this date demolition action was taken thereby demolishing one RCC panel on ground floor, one RCC panel on first floor, one RCC panel on second floor and RCC bars were cut with the help of gas cutter in the presence of police force from PS Vijay Vihar, Delhi. That complete demolition action on this date could not be taken due to shortage of time. That further action in the present matter will be taken in due course of time as per provisions of DMC Act, 1957 Copy of the photographs of the demolition action dated 27.07.2024 are hereby annexed as ANNEXURE-A(colly).

It is deposed accordingly."

2. It is thus seen that the demolition action with respect to the property in question was carried out lastly on 27.07.2024. However, the respondent-MCD stated that the further demolition action would take place in accordance with the Delhi Municipal Corporation Act, 1957.
3. Respondent-MCD is, therefore, directed to carry out the further demolition action in accordance with law within a period of four weeks from today.
4. In view of the aforesaid, nothing more is required to be adjudicated in the instant writ petition and the same stands disposed of.
5. Liberty is granted to the petitioner to approach this Court, in case, the grievance of the petitioner is not mitigated.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 1, 2024/MJ