



\$~82

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

+ W.P.(C) 13884/2023 (*disposed of*)

DELHI WAQF BOARD

.....Petitioner

Through: Ms. Farhat Jahan Rehmani, ASC
with Mr. Monis Faridi and Mr.
Faizan Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Ms. Shilpa Ohri, ASC for MCD.
Mr. Mujeeb Ahmed, Advocate for
R-4 and R-5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

07.10.2024

CM APPL. 59107/2024 (for modification in the order dated 17.09.2024)

1. The petitioner has filed this application for modification in the order dated 17.09.2024, to the extent that an erroneous status report appears to have been quoted in paragraph 2 of the said order.

2. I am informed that Municipal Corporation of Delhi ["MCD"] has filed two status reports in this case, the first dated 05.12.2023 [under Diary No. 2194649/2023], and the second dated 18.05.2024 [under Diary No. 1634295/2024]

3. Ms. Shilpa Ohri, learned counsel for MCD, has handed over copies of both the status reports, which are taken on record.

4. The case of the petitioner in the application is that the status report

W.P.(C) 13884/2023

Page 1 of 4



quoted in paragraph 2 of the order dated 17.09.2024 is the status report dated 05.12.2023, rather than the latest status report dated 18.05.2024, on the basis of which the writ petition was disposed of.

5. However, neither of the two status reports handed over contains the extracts noted in paragraph 2 of the said order. Ms. Ohri states that, other than the two status reports, no other status report was filed in this petition. She, therefore, joins the request of the petitioner that the order be corrected.

6. It appears that the relevant contentions of the MCD are contained in paragraphs 3 to 6 of the status report dated 18.05.2024, which are reproduced below:

“3. That, answering respondent in the earlier filed status report affidavit detailed out about the actions initiated/ taken by the department concerning the unauthorised construction at subject property. The contents of the same are not repeated herein for the sake of brevity.

4. That, pursuant to demolition/ sealing orders already stand passed, the department has taken following action against the subject property, details of which are as under:-

S.No.	Date of Action	Action Taken
1.	14.12.2023	Action against subject property could not be taken due to shortage of time, as action on the said date was started from Property No. B-100, Jangpura-B, New Delhi involved in another Hon'ble High Court matter in W. P. (C) No. 1438/2024 titled as Sardar Satvidner Singh Vs MCD & An and time left after the said action was not sufficient to take action at subject property.
2.	09.03.2024	During the course of action, 04 RCC roof slab panels at first floor have been demolished and reinforcement was also cut with the help of gas cutter, side windows and wall on second floor were also demolished. Further, entire property has also been sealed at ground floor at 04 points (main entry).



Photographs in respect of the aforesaid action as undertaken by the department against subject property are annexed herewith as Annexure: A (Colly).

5. That, after taking the aforesaid demolition/ sealing actions a watch & ward letter dated 11.03.2024 has also been sent to the SHO, PS Jamia Nagar with the request to keep strict vigil over this property, so that Owner/ Builder may not be able to re-store the demolished portion & tamper with the seals affixed by this department. Copy of the watch & ward letter as sent to the SHO, PS Jamia Nagar is annexed herewith as Annexure: B.

6. That it is also pertinent to point out herein that upon receiving a CM Application in W.P.(C) No. 638/2024 titled as "Jamia Arabia Nizamia Welfare Education Society Vs DDA" which is pending disposal before this Hon'ble High Court, wherein encroachment on DDA Land bearing Khasra No. 554 has been referred and in light of the decision taken during a meeting held by the Vice Chairman, DDA and the Commissioner, MCD on 12.04.2024 pursuant to direction passed by this Hon'ble Court in the said Writ Petition, a letter bearing No. 101/Addl.Comm. (Engg.)/MCD/2024 dated 15.05.2024 has been sent to the Commissioner, Land Management, DDA with the request to look into the matter and issue directions to the concerned department of DDA to take necessary steps for removal of encroachment being land owning agency. The copy of the letter dated 15.05.2024 is annexed herewith Annexure: C."

7. As noted in the order dated 17.09.2024, learned counsel for the petitioner submits that the petitioner's grievances have been redressed in view of the aforesaid status report.

8. Mr. Mujeeb Ahmed, learned counsel for the private respondents [Respondent Nos. 4 and 5] is also present. As noted in the order dated 17.09.2024, the rights and remedies of the private respondents remains reserved.

9. The application is disposed of with these directions.

PRATEEK JALAN, J

OCTOBER 7, 2024

SS/

