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

+ W.P.(C) 13979/2023 & CM APPL. 55190/2023

SHARIQ

.....Petitioner

Through: Mr. Nalin L. Sahai, Mr.
Shubhashish Roy, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, SC with
Ms. Shweta Singh, Advocate for
MCD.

Appearance not given for R-5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.10.2024

1. The petitioner has approached this Court under Article 226 of the Constitution with regard to alleged unauthorised and illegal construction in *Plot No. 337-C/10 or 610-A, Gali No. 6, Batla House, Jamia Nagar, New Delhi* [subject property"].

2. Municipal Corporation of Delhi ["MCD"] has filed a status report dated 18.10.2024, in which it is stated that MCD has passed a demolition order in respect of the subject property on 16.10.2024. The demolition order has been passed pursuant to revocation of the sanctioned building plan on 14.08.2024. Copies of the orders dated 14.08.2024 and 16.10.2024 have been filed with the status report.

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3. Mr. Sanjeev Sabharwal, learned counsel for the MCD, states that there is a discrepancy in the address in respect of which the status report dated 18.10.2024 has been filed, i.e., *Plot No. 337-C/10 or 610-A, Gali No. 6, Batla House, Jamia Nagar, New Delhi*, as against the property against which relief is sought in the present petition, being Property No. *A-33, Street No. 2, Batla House, Jamia Nagar, Okhla, New Delhi*. He submits that this was also observed in the order dated 20.10.2023, set out below:

“3. Mr. Sabharwal, who appears on advance notice, states upon instructions from Mr. Naveen Kaul, Assistant Engineer, MCD, that the photographs annexed to the writ petition as Annexure P-3 are, in fact, photographs of a different property. He states that the construction in the said property is pursuant to a sanctioned plan. Mr. Sabharwal is also instructed that there is no property with the address A-33, Street No. 2, Batla House, Jamia Nagar, Okhla, New Delhi.”

4. Subject to the aforesaid, Mr. Sabharwal states that MCD will take necessary consequential action in accordance with law. Further action has been planned for 05.11.2024, subject to availability of police force, and will be taken on the said date or as soon thereafter as possible and practicable.

5. In view of the aforesaid status report, learned counsel for the petitioner states that no further orders are required in this writ petition.

6. The writ petition, alongwith the pending application, stands disposed of.

7. Learned counsel, appears on behalf of respondent No. 5 and reserves his right to challenge the orders passed by the MCD in accordance with law, he is at liberty to do so.

8. All rights and contentions of the owners/occupants, including



respondent No. 5, remain reserved. MCD is directed to act strictly in accordance with law and after compliance of all statutory formalities.

PRATEEK JALAN, J

OCTOBER 21, 2024/‘Bhupi’/