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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16372/2022 & CM APPLs. 51380/2022 & 42022/2023**
RAJENDERLOHIYA@RAJENDER CHOUDHURY

.....Petitioner

Through: Counsel (appearance not given)

Versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Ajay Arora, Mr. Kapil Dutta and
Mr. Vansh, Advocates for MCD
Mr. Shuaib Khan, Advocate for
respondent Nos. 2 and 3
Mr. Sunil Choudhary, Advocate

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR
KAURAV

ORDER
04.07.2024

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1. The instant petition has been filed alleging illegal construction being carried out by respondent No.4 on the land Khasra No. 1783 & 1784/2 in revenue estate of village Aaya Nagar, Tehsil Mehrauli, New Delhi – 110047.
2. In pursuance of the interim directions passed by the Court on 29.11.2022, the respondents have filed two Status Reports.
3. The latest Status Report appears to have been filed on 07.11.2023. In paragraph No.3 onwards therein, it is stated as under:-

“3. That as per record, pursuant to demolition/ sealing orders already passed in respect of the subject property bearing Khasra No. 1783 (1-16), 178212 (3-0) and 1877/2 (1-16) admeasuring 6 bigha- 12 biswa,



*Revenue Estate of Village Aya Nagar, New Delhi, the proposed demolition / sealing action programme fixed for 11/09/2023 has been undertaken and upon availability of police force, during the course of action 01 room sealed at 01 point at Ground floor. Photograph taken during the aforesaid sealing action are annexed herewith as **Annexure-A.***

4. That simultaneously, after taking the aforesaid sealing action, a letter dated 11/09/2023 has also been sent to SHO concerned, PS Fatehpur Beri, New Delhi with the request to direct the area patrolling staff to keep strict watch and ward over the subject property so that 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 moreover, it is also submitted that so as to take further necessary demolition I sealing action in respect of the subject properties the department also attempted on dated 1910912023, 2511012023, however, on account of shortage of time, further action could not be materialized.

6. That so far as the CM Appl. No. 4202212023 filed by the petitioner regarding correction of the Khasra No. 178212 (3-0) with the correct Khasra No. 78412 (3-0), Aya Nagar, New Delhi, in this regard, it is submitted that as per record, the Building Department-11 of South Zone I MCD has also undertaken the necessary action against the alleged unauthorized construction identifying the same as Khasra No. 178412, Opp. C-3 Colony, Naresh Colony, Aya Nagar, New Delhi and vide earlier status report already filed before this Hon'ble Court, the details of the actions as already taken by the department has also been placed.

7. The department has now fixed the further demolition I sealing action programme in respect of subject properties for 2811112023 which will be taken I carried out, upon availability of police force and also considering the GRAP restrictions. ”

4. It is thus seen that the respondent-MCD has taken appropriate action in pursuance of the complaint received from the petitioner.

5. Learned counsel appearing on behalf of the petitioner, however, while showing some photographs, submits that the illegal construction is still being carried out by certain individual(s).



6. Needless to state that the Status Report has been filed way back in the month of November, 2023 and till date, no rejoinder has been placed on record by the petitioner. Even otherwise, once the objectionable structure was removed by the respondent-MCD and a Status Report was submitted before the Court, thereafter, if there is any further cause which remains to be agitated, the petitioner would be entitled to take up the same before the appropriate authority afresh or to take any other remedial measure.

7. Accordingly, under the aforesaid circumstances, the instant petition would not be required to be kept pending on the Board of the Court. The petition stands disposed of reserving liberty in favour of the petitioner as of now.

PURUSHAINdra KUMAR KAURAV, J

JULY 4, 2024

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