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

+ **W.P.(C) 10449/2024 & CM APPL. 43009/2024**

NIHAL AHMED

.....Petitioner

Through: **Mr. Vijay Sharma, Adv.**

Versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: **Mr. Abhinav Sharma and Mr.
Mahender Shukla, Advs. for MCD**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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07.08.2024

1. With respect to the property in question, the respondent has placed on record the Status Report, which reads as under:-

"1. That the deponent is presently working as Executive Engineer, Building-II, City S.P. Zone with Municipal Corporation of Delhi, and in pursuance of the pendency of the captioned writ petition have gone through the relevant records maintained by the Department which has been placed before me, which makes me conversant with the facts and status qua the subject property and on the basis of such record, I am competent to swear the pre resent affidavit.

2. The deponent states that the subject property has been inspected by the concerned officer on 23.07.2024, and on inspection no ongoing construction has been found at the premises bearing No.1/15, Asaf Ali Road, New Delhi as averred by the petitioner nor any building material was found/lying on the subject property. Moreover the subject property is old and occupied and is consisting of ground, first, second and third and fourth floor.

3. The deponent further states that although the factum of unauthorised construction has been averred by the petitioner and in support the petitioner has also annexed the photograph however the photographs annexed by the petitioner certainly does not pertain to the subject property



i.e. 1/15, Asaf Ali Road, New Delhi-110002. The actual Photographs of property is annexed herewith as ANNEXURE-A1.

4. The deponent further states that keeping in view the aforesaid mentioned facts and circumstances, the subject property i.e. 1/15, Asaf Ali Road, New Delhi-110002, does not call for any action however the directions passed by this Hon'ble Court, if any, shall be complied expeditiously."

2. It is thus seen that no unauthorised construction has been found over the property i.e. 1/15 Asaf Ali Road, New Delhi-110002.

3. Learned counsel for the petitioner, however, submits that the construction is going on over a property which is adjacent to property i.e. 1/15 Asaf Ali Road. The same is not the subject matter of the instant writ petition. The petitioner shall be at liberty to take up necessary prayer in fresh writ petition.

4. The instant petition, at this stage, does not survive. The same is accordingly disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 7, 2024

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