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

+ **CONT.CAS(C) 1377/2022 & CM APPL. 56714/2022**

SMT USHA SEJWAL

..... Petitioner

Through: Ms. Samvartika Pathak & Mr. Nitin
Kumar, Advs.
M: 7982722181

versus

**SH. GYANESH BHARTI, COMMISSIONER SOUTH DELHI
MUNICIPAL CORPORATION & ORS.**

..... Respondents

Through: Mr. Ajjay Aroraa with Mr. Kapil
Dutta, SCs with Mr. Vansh Luthra,
Adv. and Ms. Simran Arora,
Advocates for MCD.

Mob: 9811160827

Email: ajayarora@gmail.com

Mr. Somnath Bharti, Adv. for R2

Ms. Hetu Arora Sethi, ASC, GNCTD
for SHO.

M: 9873725564

Email: hetuarorasethiadv@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

15.03.2024

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1. The present petition has been filed alleging non-compliance of the order dated 28th September, 2022 passed in *CONT.CAS(C) 1048/2022* which had been filed against the order dated 18th August, 2022 passed in *W.P.(C) No. 7086/2021*.

2. By way of the aforesaid order, directions had been issued to the respondent-Municipal Corporation of Delhi ("MCD") to take requisite action against the unauthorized construction in property bearing no. 11A and



11, Village Adhchini, Aurobindo Marg, New Delhi.

3. Learned counsel appearing for respondent no. 2 has handed over a copy of order dated 3rd February, 2023 passed by the learned Appellate Tribunal, Municipal Corporation of Delhi (“ATMCD”) in *Appeal No. 755/2022*. It is submitted that respondent no. 2 is the owner of the property in question and that he has already approached the ATMCD against the demolition action being taken by the MCD.

4. It is further submitted that by order dated 3rd February, 2023, the respondent-MCD has been restrained from taking any coercive action against the property in question.

5. He submits that the matter is still pending before the learned ATMCD and the next date of hearing is 18th April, 2024. This fact is confirmed by learned counsel appearing for the MCD.

6. Accordingly, when there is a restraintment order passed by the ATMCD, no directions can be passed by this Court for the time being.

7. In view thereof, the present contempt petition is disposed, with liberty to the petitioner to revive the present petition in case his grievance still survives.

MINI PUSHKARNA, J

MARCH 15, 2024
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