



\$~43

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

+ **W.P.(C) 29/2024 & CM APPL. 72/2024**

JAI SHIV

.....Petitioner

Through: **Mr. C. Adikesh, Mr. Amar Pal and
Mr. Dishant Singh, Advs.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: **Mr. Ajjay Aroraa, SC for MCD with
Mr. Kapail Dutta, Adv.
Mr. Choudhary Ali Zia Kabir, Mr.
Akram Akhtar Choudhary, Mr. Mohd.
Aman Khan, Ms. Sumayya Khatoon
and Mr. Sushant Singh, Advs. for R-3
to 5.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

11.09.2024

1. Learned counsel appearing for the respondent-Corporation submits that the status report has been filed. However, the same is not on record.
2. Learned counsel appearing for the respondent-Corporation is directed to ensure that the status report is placed on record before the next date of hearing.
3. A copy, thereof, has been handed over by the respondent-Corporation during the course of hearing and the same is perused.
4. The latest status report dated 10.09.2024 reads as under:-

“3. That during the pre-fixed demolition action programme on 09/08/2024, pursuant to the demolition order already passed in respect of the subject property i.e. bearing No. E-1/37, 38, First floor, Gali No. 2, Sector-4, Madangir, Deoli, New Delhi 110062, the Building Department -I of South Zone - MCD has taken the further necessary action and upon availability of police force, recently constructed roof laid with red sandstone and iron frame have been demolished and iron



*frame/girder/plates have also been cut down and made the same uninhabitable / beyond use. The photographs taken during the aforesaid demolition action are annexed herewith as **Annexure -A (Colly)**.*

*4. That after taking the aforementioned demolition action, a letter dated 19/08/2024 has also been sent to concerned SHO PS Ambedkar Nagar, New Delhi with the request to direct the concerned are patrolling staff to keep strict watch and ward over the subject property so that the demolished portion may not be restored / repaired. Copy of the said letter is also annexed herewith as **Annexure-B.**”*

5. It is thus seen that so far as the subject property bearing No. E-1 37, 38, First floor, Gali No. 2, Sector-4, Madangir, Deoli, South Delhi-110062 is concerned, the same has already become uninhabitable / beyond use. Necessary directions appear to have been given to the concerned SHO to keep a strict *watch and ward* over the subject property to ensure that the demolished portion is not restored / repaired.

6. Learned counsel appearing for the petitioner, however, while exhibiting certain photographs, argues that the demolition action undertaken in the status report is only a partial action and there exist various unauthorised constructions that are not demolished.

7. Considering the aforesaid, the Court, at this stage, only grants liberty to the petitioner to agitate the aforesaid grievance before the Special Task Force [“STF”]. If the petitioner does so, let the STF to deal with the same in accordance with law after extending opportunity of hearing to all concerned parties including the private respondents.

8. With the aforesaid observations, the instant writ petition, at this stage, stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 11, 2024/p