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

+ **W.P.(C) 60/2024, CM APPL. 221/2024**

MOHAMMAD TAHIR ALI

.....Petitioner

Through: Mr. Naveen Solanki, Adv. with Ms.
Sohali Khan, Adv.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondent

Through: Mr. Siddhant Nath, SC for MCD, Mr.
BhavishyaMakhija, Adv.
Mr. Shekhar Dasi, Mr. M. D. Talha,
Mr. Ayush Dassi, Adv.
Mr.Arun Birbal, Mr. Sanjay Singh,
Adv.
ASI Vikendra Kumar, P.S. Jamia
Nagar.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

04.09.2024

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1. The respondent-Corporation has placed on record status report on 03.09.2024 which reads as under:-

"2 That, instant action taken report IS being filed in furtherance to the earlier report/ affidavits already filed/ placed before this Hon'ble Court in the instant matter.

3 That, answering respondent in the earlier filed status report/ affidavit detailed out about the actions initiated/ taken by the department concerning the unauthorized construction at subject property as well as the petitioners property. The contents of the same are not repeated herein for the sake of brevity.



4 That, it is most respectfully submitted that after following due process of law, demolition order u/s 343 of the DMC Act against the petitioners property has been passed on 14.08.2024. Copy of demolition order dated 19.08.2024 is annexed herewith as Annexure: A.

5 That, pursuant to demolition order already stand passed, an action against both the properties was planned for 29.08.2024, but the same could not be executed, as action on the said date was started from Property adjacent to R-296, Jogabai Extension, New Delhi involved in W.P.(C) No. 10974 of 2024 titled as "Sharib Khan Vs Commissioner, MCD & Ors" and time left after the said action was not sufficient to take action at these properties. However, so as to ascertain the latest position of the subject property, the same has also been inspected through area field staff of Building Department-I of Central Zone - MCD and 'during inspection it has been revealed that the same is lying demolished I sealed in term of the earlier action taken by the department. Photographs showing the present status of the property are annexed herewith as Annexure: B.

6 That, the property of the petitioner was also inspected and the same was found occupied, accordingly a vacation notice u/s 349-A of the DMC Act bearing No. D/692/AE(B)-I/CNZ/2024 dated 30.08.2024 has been issued in the name of Owner/ Occupier of the property with the directions to vacate the property and a copy of the same has also been endorsed to the SHO, PS Jamia Nagar with the request to get the property vacated. Copy of vacation notice dated 30.08.2024 is annexed herewith as Annexure: C.

7 That so as to take further action against the subject property, the department has now fixed another action for 04.09.2024 which will be taken I carried out upon availability of police force."

2. In view of the aforesaid, the Court finds that the respondent-Corporation has already initiated legal action with respect to the grievance raised in the instant writ petition. Let the aforesaid action be taken to its logical end.

3. The petitioner is granted liberty to approach the Special Task Force in case the respondent-Corporation fails to take appropriate action, in



accordance with law, within a period of three months from today.

4. With the aforesaid liberty, the petition stands disposed of.

5. Private respondent no. 4 is also at liberty to approach the respondent-Corporation seeking necessary action against the petitioner's property. In case he approaches the respondent-Corporation, let the respondent-Corporation to take necessary steps.

6. In case the respondent-Corporation fails to do so, liberty is reserved in favour of the private respondent to approach the Special Task Force.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 4, 2024/KG