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

+ **W.P.(C) 1090/2024**

MEERA GOYAL

..... Petitioner

Through: Mr. Ankur Chawla, Mr. Ajay Pal
Singh and Mr. Girdhar Thakur, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS..... Respondents

Through: Mr. Ajjay Arora, Mr. Kapil Dutta,
Mr. Vansh Luthra and Mr. Simran
Arora, Advs. for MCD.

Mr. Tushar Sannu and Mr. Sahaj
Karan Singh, Advs. for R-2/GNCTD.
Mr. Vikas Pahwa, Sr. Adv. along with
Mr. Imran Ali, Adv. for R-3 and 4.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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14.05.2024

CM APPL.28770/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM APPL.28769/2024 (filed on behalf of the petitioner for vacation of stay of the order dated 28.02.2024)

1. This is an application seeking vacation of the interim stay granted vide order dated 28.02.2024.
2. The application has been filed on the premise that in the guise of the regularization application submitted by the respondent nos.3 and 4, necessary action qua the property of the said respondents has not been taken by the MCD.



3. During the course of hearing, it transpires that the regularization application of the respondent nos.3 and 4 has been rejected vide communication dated 09.05.2024.

4. As such, since the premise on the basis of which the present application has been filed, does not survive. In the circumstances, learned counsel for the applicant does not press the present application, the same is accordingly, dismissed as withdrawn.

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5. With the consent of the parties, the instant writ petition is taken up for hearing today itself.

6. Learned counsel for the MCD informs that part demolition action was taken in respect of the property of the respondent nos. 3 and 4 even prior to the filing of the present writ petition. He further submits that pursuant to the rejection of the regularization application vide communication dated 09.05.2024, further action in accordance with law shall be taken for removal of subsisting unauthorized construction, if any.

7. Admittedly, the rejection of the application filed by the respondent nos.3 and 4 is appealable before the ATMCD. Any further demolition action that is proposed to be taken by the MCD qua the property of respondent nos.3 and 4 shall necessarily be subject to the appellate/statutory remedies of the said respondents.

8. Learned senior counsel for the respondent nos.3 and 4 submit that an appeal shall be filed before the ATMCD within a period of one week from today. He further submits that the said respondents shall also be seeking interim relief from the ATMCD. Needless to say, any such request for interim relief shall be considered by the ATMCD in accordance with law, on



its own merits.

9. Learned senior counsel for respondent nos.3 and 4 and learned counsel for the petitioner jointly submit that apart from the portion of the property occupied by respondent no. 3 and 4, the entire construction raised on the plot bearing No.53, Friends Colony (East), New Delhi-110065, be inspected to ascertain the status of unauthorized construction subsisting therein, and that action be also taken qua the same in all portions of the said property. It is directed accordingly.

10. With the above directions, the present petition stands disposed of.

11. The date fixed i.e. 20.05.2024 stands cancelled.

SACHIN DATTA, J

MAY 14, 2024/cl