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

+ W.P.(C) 12876/2024 & CM APPL. 57308/2024 & 63377/2024

VAREES AHMEDPetitioner

Through: Mr. Md. Babar, Advocate with
petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI

AND ORSRespondents

Through: Mr. Akhil Mittal, SC for MCD.
Mr. Shekhar Dasi, Mr. Md. Talha
and Mr. Ayush Dassi, Advocates
for intervenor.
Mr. Shashi Pratap Singh and Ms.
Muskaan Garg, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **25.10.2024**

1. The petitioner has filed this petition for action by the Municipal Corporation of Delhi ["MCD"] against alleged illegal and unauthorised construction in property bearing *No. R-294, Lane No.1 Joga Bai Extension, Jamia Nagar, Okhla, New Delhi-110025* ["subject property"].
2. MCD has filed a status report dated 15.10.2024, in which a show cause notice dated 08.07.2024 and a demolition order dated 22.07.2024 have been placed on record. The demolition order notes that there is no sanction plan in respect of the subject property, and that unauthorised construction in the third and fourth floor of the property is required to be

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demolished. The construction on the ground floor to the second floor of the property is stated to be old and occupied.

3. During the pendency of the petition, an application has been filed by one Mr. Afaq Ahmed [C.M. APPL. 63377/2024], claiming to be the owner of the subject property. He seeks service of a copy of the demolition order upon him so that he can move the Appellate Tribunal for Municipal Corporation of Delhi [“ATMCD”] by way of an appeal.

4. Mr. Md. Babar, learned counsel for the petitioner, and Mr. Akhil Mittal, learned counsel for MCD, are also present. With the consent of learned counsel for the parties, the writ petition is taken on Board.

5. The present situation, as evident from the above narrative, is that a demolition order has already been passed by MCD in respect of the subject property. Mr. Shekhar Dasi, learned counsel for the applicant – Mr. Afaq Ahmed, states that the demolition order has been served upon him today. However, Mr. Mittal submits that the order, in fact, was served upon the owners/occupants of the subject property even earlier. Be that as it may, the remedy of the owners/occupants, including the intervenor, if any, now lies before the ATMCD.

6. Mr. Mittal states that, subject to any protection granted by the ATMCD to the owners/occupants of the subject property, MCD will take expeditious action pursuant to the demolition order, in accordance with law, and in any event within a period of twelve weeks from today, subject to the availability of police force.

7. In view of the above, the writ petition, alongwith pending applications, is disposed of with the direction that MCD will not take coercive steps in respect of the subject property for a period of three



weeks from today, to enable the owners/occupants to approach the ATMCD. The rights of the parties will thereafter be governed by any orders passed by the ATMCD. In the event the ATMCD does not protect the owners/occupants by way of interim relief, MCD will take further action in accordance with law, as recorded hereinabove.

8. The next date of hearing i.e., 26.03.2025 stands cancelled.

PRATEEK JALAN, J

OCTOBER 25, 2024
SS/