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

+ W.P.(C) 13037/2024

JAMIL AHMED ANSARI

.....Petitioner

Through: Mr. Shabahat Hussain, Advocate
alongwith Petitioner in Person.

versus

MUNICIPAL CORPORATION
OF DELHI AND OTHERS

.....Respondents

Through: Ms. Puja Kalra, SC for MCD with
Mr. Virendra Singh, Advocate.
Mr. Sanjeev Sabharwal, Senior
Panel Counsel for SHO.
Mr. Nalin Tripathi, Mr. Nishank
Tripathi & Mr. Nishcal Tripathi,
Advocates for R-3. [M:-
8527757230]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.10.2024

CM APPL. 64129/2024 (*Application on behalf of respondent No. 3
seeking clarification of the order dated 18.09.2024*) & **W.P.(C)
13037/2024**

1. The matter is listed on an application by respondent No. 3, seeking clarification of an order dated 18.09.2024.
2. By way of the captioned writ petition, the petitioner seeks appropriate action in respect of alleged illegal construction at property bearing No. 567, Khasra No. 311, Vijay Mohalla, Near Cresant School, Moujpur, Delhi-110053 ["subject property"]. It is alleged that the illegal



construction is being carried out by respondent No. 3 herein. Mr. Nalin Tripathi, learned counsel for respondent No. 3, states that respondent No. 3 is the only owner/occupant of the property.

3. By the aforesaid order dated 18.09.2024, notice was issued in the petition, and Municipal Corporation of Delhi [“MCD”] was directed to file a reply. The clarification sought by respondent No. 3, is that the pendency of the petition will not come in the way of hearing of his appeal before the Appellate Tribunal for Municipal Corporation of Delhi [“ATMCD”], against a demolition order dated 14.08.2024 passed by the MCD.

4. It appears from the contents of the application, and it is confirmed by Ms. Puja Kalra, learned Standing Counsel for MCD, that during the pendency of the writ petition, MCD has issued a demolition order dated 14.08.2024, in respect of the subject property. The subject property has also been sealed and a vacation notice dated 23.09.2024 has been issued to the respondent No. 3. Against the actions taken by MCD, respondent No. 3 has filed Appeal No. 829/2024 before the ATMCD, which remains pending. The matter is next listed before the ATMCD on 27.11.2024.

5. Having regard to the material now on record, the writ petition itself is taken on Board with the consent of learned counsel for the parties.

6. It is clear that MCD has taken action in respect of alleged illegal construction in the subject property by sealing of the property, issuance of a demolition order and vacation notice. The matter is *sub-judice* before the ATMCD, and the rights of the parties would have to be governed by the orders passed by ATMCD.

7. The writ petition is, therefore, disposed of, with the direction that



MCD will take expeditious action pursuant to the orders passed, subject to any orders passed by ATMCD in the matter. For the present, MCD will maintain *status quo* until 30.11.2024, to enable the ATMCD to consider the matter on the date fixed. In the event no interim orders are passed by the ATMCD, MCD may take action expeditiously and in accordance with law.

8. It is made clear that this order is without prejudice to the rights and remedies of other owners/occupants, if any.

9. The next of hearing, i.e., 11.02.2025, in the writ petition stands cancelled.

PRATEEK JALAN, J

OCTOBER 29, 2024

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