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

+ W.P.(C) 13926/2024

RAJESH DEVI

.....Petitioner

Through: Proxy appearance not given.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS

.....Respondents

Through: Mr. Manu Chaturvedi, Advocate
for R-1/MCD.

Mr. Abhas Dahiya, Mr. Nitish
Dahiya and Mr. Akshay Rajput,
Advocates for R-4.

Mr. Arjun Mahajan, Ms. Neha Rai
and Mr. Apoorv Upamanyu,
Advocates for DDA.

Mr. Dhruv Sharma and Ms.
Garima, Advocates for respondent.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.11.2024

1. The petitioner has filed this writ petition under Article 226 of the Constitution complaining of alleged unauthorised construction in *Plot No. WZ-39, Village Dasghara, New Delhi-110012*.

2. Municipal Corporation of Delhi ["MCD"] has filed a status report dated 13.11.2024, from which it appears that the property comprises of 12 different constructions. Each of the constructions has been found to be unauthorised, and demolition orders have been issued for each of the properties in question.

3. Mr. Manu Chaturvedi, learned Standing Counsel for the MCD, states that demolition programmes were also scheduled in respect of some



of the properties, but could not be implemented in all cases as some of the properties were found to be occupied.

4. Mr. Chaturvedi also states that all the demolition orders have been challenged by the owners/occupants before the Appellate Tribunal for MCD [“ATMCD”]. Nine out of the 12 appeals remain pending and in three cases, the demolition orders have been set aside and the matters were remanded back to the MCD for fresh consideration. A chart with these details has also been handed over in Court and is reproduced hereinbelow:-

<i>“S. NO.</i>	<i>DEMOLITION ORDER DATE</i>	<i>TITLE</i>	<i>APPEAL NO.</i>	<i>STATUS/ NDH</i>	<i>PROPERTY NUMBER</i>
1.	DT. 12.01.2024	NARESH KUMAR VS. MCD	APPEAL NO. 950/2024	04-12-2024	P. NO. WZ-39C, VILL- DASGHARA, DELHI-12
2.	DT. 11.01.2024	PAWAN SINGH VS. MCD	APPEAL NO. 914/2024	04-12-2024	P. NO. WZ-39B, VILL- DASGHARA, DELHI-12
3.	DT. 09.01.2024	DEEPAK VS MCD	APPEAL NO. 957/2024	04-12-2024	P. NO. WZ-39, VILL- DASGHARA, DELHI-12
4.	DT. 11.01.2024	SURENDER SINGH VS. MCD	966/2024	REMANDED BACK	P. NO. WZ-39, VILL- DASGHARA, DELHI-12
5.	DT. 09.01.2024	BHUP SINGH VS MCD	APPEAL NO. 948/2024	04-12-2024	P. NO. WZ-39, VILL- DASGHARA, DELHI-12
6.	DT. 12.01.2024	JAGBIR SINGH VS. MCD	APPEAL NO. 951/2024	04-12-2024	P. NO. WZ-39C, VILL- DASGHARA, DELHI-12
7.	DT. 09.01.2024	SURENDER SINGH VS. MCD	965/2024	REMANDED BACK	P. NO. WZ-39, NEAR HOLI CHOWK, VILL- DASGHARA, DELHI-12
8.	DT. 09.01.2024	SURENDER SINGH VS. MCD	964/2024	REMANDED BACK	P. NO. WZ-39, VILL- DASGHARA, DELHI-12



9.	DT. 09.01.2024	BHUP SINGH VS MCD	APPEAL NO. 949/2024	04-12-2024	P. NO. WZ-39, VILL- DASGHARA, DELHI-12
10.	DT. 09.01.2024	SUBHRAM VS MCD	APPEAL NO. 952/2024	04-12-2024	P. NO. WZ-39, VILL- DASGHARA, DELHI-12
11.	DT. 12.01.2024	DHARMENDER VS MCD	APPEAL NO. 960/2024	04-12-2024	P. NO. WZ-39, VILL- DASGHARA, DELHI-12
12.	DT. 09.01.2024	SHRI NIVAS VS MCD	APPEAL NO. 958/2024	04-12-2024	P. NO. WZ-39, VILL- DASGHARA, DELHI-12”

5. It appears that the petitioner's grievance is under consideration of the MCD and/or *sub judice* before the ATMCD.

6. The writ petition is, therefore, disposed of with the direction that further action in the premises in question will be governed by the directions of the ATMCD, where the appeals remain pending and/or by further orders to be passed by MCD in the cases where matters have already been remanded.

7. It is made clear that the rights and remedies of owners/occupants of the subject property, as available in law, remain reserved. MCD is directed to take action strictly in accordance with law and after complying with all statutory formalities and observance of the safeguards laid by the Supreme Court *vide* judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

PRATEEK JALAN, J

NOVEMBER 27, 2024/‘bh/kb’/