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

+ W.P.(C) 14932/2024 & CM APPL. 62615-62616/2024

NARAYANAN RAJA GOPALAN & ANR.Petitioners

Through: Mr. Ayush Gupta and Ms.
Chaturvedi, Advocates.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Ajjay Aroraa, SC with Mr.
Kapil Dutta, Advocate for MCD.

+ W.P.(C) 13174/2024 & CM APPL. 55055/2024

ADARSH PANDIT & ANR.Petitioners

Through: Ms. Vaishali Gupta, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Ajjay Aroraa, SC with Mr.
Kapil Dutta, Advocate for MCD.
Ms. Sakshi Popli, SC for MCD.
Mr.Dhruv Tamta,Adv along with
Mr. Nishchay Dutt, Advocate for
R-5/DDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.10.2024

1. These two petitions concern alleged unauthorised construction in
Property No. C-9/9088 (First Floor), Vasant Kunj, New Delhi, 110070
[“subject property”].

W.P.(C) 14932/2024 & W.P.(C) 13174/2024

Page 1 of 3



2. W.P.(C) 13174/2024 has been filed by the residents of *Flat No. C-9/9086 (Ground Floor), Vasant Kunj, New Delhi*, which is located below the subject property. The petitioners in the said petition seek action by the Municipal Corporation of Delhi [“MCD”] to deal with the unauthorised and illegal construction in the subject property.

3. W.P.(C) 14932/2024, on the other hand, has been filed by the residents of the subject property. It is contended therein that the petitioners have been served with a show cause notice dated 17.09.2024 and a vacation notice dated 09.10.2024. They have approached the Appellate Tribunal for MCD [“ATMCD”] against the said orders, and also made an application for interim relief. The said proceedings are scheduled to be listed before the ATMCD on 29.10.2024. The petitioners seek a direction that the respondents will not take action pursuant to the said orders until the application for stay is heard by the ATMCD.

4. Having heard learned counsel for the parties, I am of the view that the appropriate course in these circumstances, is to protect the occupants of the subject property for a short time, to enable the ATMCD to deal with the application for interim relief. In the event the application for interim relief is rejected, MCD will be free to take action in accordance with law, pursuant to the orders which it has already passed. In the event the occupants are protected by an interim order, MCD will take action, subject to the result of the proceedings before the ATMCD.

5. In view of the fact that MCD is already seized of the construction in the subject property and has taken action, no further orders are required in W.P.(C) 13174/2024 also.

6. MCD is directed not to take coercive proceedings in respect of the



subject property for a period of two weeks from today, as the occupants' appeal before the ATMCD and the stay application are listed on 29.10.2024. It is expected that the occupants will not seek any adjournment before the ATMCD.

7. MCD may take further action pursuant to the orders passed, expeditiously and in accordance with law, subject to the proceedings before the ATMCD, and orders passed by it.

8. The petitions, alongwith the pending applications, are disposed of.

PRATEEK JALAN, J

OCTOBER 23, 2024

SS/