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

+ W.P.(C) 14983/2024

ORION EDUCATION SOCIETY (REGD.) THROUGH ITS
AUTHORIZED REPRESENTATIVE

MRS. SHAMILA

.....Petitioner

Through: Mr. Atul Agarwal, Mr. Aksh
Ranjan Srivastav, Mr. Aazad Ali &
Mr. Swarandeeep Singh, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Ms. Bahuli Sharma, ASC for
MCD.
Mr. Asutosh Lohia, Ms. Rishika
Jain, Ms. Princy Sharma,
Advocates for R-2 to 5.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **25.10.2024**
CM APPL. 62810/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 14983/2024 & CM APPL. 62811/2024 (for status quo)

1. The petitioner has approached this Court under Article 226 of the Constitution complaining of alleged unauthorised construction in property bearing No. 3851 situated at Sarak Prem Narayan, Churiwalan, Delhi – 110006 [“the subject property”].



2. Ms. Bahuli Sharma, learned counsel for the Municipal Corporation of Delhi [“MCD”], has handed over a compilation of orders which show that construction on the property was sanctioned by a sanction letter dated 29.09.2023, issued in favour of respondents Nos. 2 to 5 herein. The sanction plan was in respect of the ground floor to third floor of the subject property. MCD claims to have found deviations from the sanctioned plan, as a result of which it issued a demolition order on 12.01.2024. Ms. Sharma states that demolition action was also taken thereafter. However, upon further unauthorised construction having been found, particularly in the shape of the fourth floor and fifth floor of the building, MCD has sealed the entire property, pursuant to a sealing order dated 02.07.2024, another demolition order has been passed on 23.09.2024. MCD has filed copies of the aforesaid orders and also annexed photographs showing that sealing action has taken place.

3. Ms. Sharma states that further action pursuant to the demolition order dated 23.09.2024 will be taken expeditiously in accordance with law.

4. Mr. Asutosh Lohia, learned counsel for respondent Nos. 2 to 5, submits that the said respondents are in the process of taking their appellate remedies against the demolition order dated 23.09.2024. Mr. Lohia submits that the present petition is actuated by *mala fides*, as the representative of the petitioner – School, who has filed this writ petition, is the daughter of one Mr. Raees Ahmad, with whom respondent Nos. 2 to 5 have pending civil disputes. In view of the fact that MCD has itself taken action in respect of the subject property, I do not consider it necessary to enter into these civil disputes in the present petition.



5. In view of the aforesaid submissions of the parties, it appears that MCD is seized of the issue of illegal construction on the subject property and is in the process of taking action. No further orders are, therefore, required in this writ petition, which stands disposed of.

6. MCD is directed not to take any further coercive proceedings against the property for a period of three weeks from today, to enable respondent Nos. 2 to 5 to invoke its remedies, and seek interim relief. Respondent Nos. 2 to 5 will also file an undertaking before this Court within two days from today to the effect that they will also maintain *status quo* as to the subject property and will not re-enter the property, which is lying sealed today, without orders of the competent forum in this regard.

7. The petition, alongwith the pending application, is disposed of in terms of the aforesaid.

PRATEEK JALAN, J

OCTOBER 25, 2024

“Bhupi”/