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

+ **CONT.CAS(C) 1731/2024**

BIJENDER KUMAR KARHANAPetitioner

Through: **Mr. Manendra Mishra, Adv.**

versus

HARSH VASHIST AND ORSRespondents

Through: **Mr. Ashutosh Gupta, Mr. Ashish Gupta, Ms. Pooja Gupta, Mr. Anuj Kumar & Mr. Sachin Tanwar, Advs. for R1. Ms. Ritu Reniwal, SPC with Mr. Mahendra Kumawat, Adv.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **06.11.2024**

CM APPL. 64758/2024

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner is seeking initiation of the contempt proceedings against the respondents for the willful disobedience of the directions contained in the dated 07.10.2024 in W.P.(C) No.14034/2024 passed by this Court.
4. Learned counsel for the respondent no.1 for the occupier of the subject property as well as the learned counsel for the respondent No.2/MCD are present on advance notice through VC.
5. Learned counsel for the respondent No.2/MCD has pointed out that it has passed a demolition order in accordance with the



undertaking given to this Court. However, the respondent No.1/owner/occupier has assailed the said order before the learned Appellate Tribunal, Municipal Corporation of Delhi [ATMCD] by way of Appeal No.934/2024, and the learned ATMCD *vide* order dated 22.10.2024 has stayed the operation of the impugned demolition order. A copy of the order dated 22.10.2024 has been placed on record which be digitized by the Registry.

6. It manifestly appears that the learned ATMCD is seized of the matter and has passed appropriate direction to the respondent no.2 not to carry out any impermissible repairs and/or unauthorized construction in the subject property.

7. In view of the above, there is no cause of action to file the present petition.

8. This petition is dismissed without prejudice.

DHARMESH SHARMA, J.

NOVEMBER 06, 2024

Ch/Ss