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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1789/2024 & CM APPL. 66190/2024**

FATEH CHAND

.....Petitioner

Through: Ms. Sana Ansari with Mr. I Ahmed,
Advocates.

versus

SH. ASHWANI KUMAR & ORS.

.....Respondent

Through: Ms. Aakansha Kaul with Mr. Aman
Sahani, Ms. Rhea Borkortory and Mr.
Mr. Akash Saxena, Advocates.
Mr. Lalit Gupta with Mr. Anmol Ghai
and Ms. Ishita Nautiyal, Advocates.
Mr. Ashutosh Gupta, ASC.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

09.12.2024

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1. Learned counsel for respondent No. 4 appears on advance notice and submits that present petition does not survive anymore as MCD has already taken a decision on 10.10.2024 and though, the construction in question is unauthorized but since the construction existed prior to the cut-off date of 07.02.2007, it was held that it was protected in view of provision of "The National Capital Territory Of Delhi Laws (Special Provision) Second Act, 2021".
2. Learned counsel for MCD also appears through video conferencing and reiterates the above said fact and states that MCD has already passed the above said order on 10.10.2024 and therefore, nothing survives any further in

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the present contempt petition.

3. During course of the arguments, a copy of the above said order was also duly supplied to learned counsel for the petitioner.

4. Since the MCD has already passed an order on 10.10.2024, it is quite obvious that the directions contained in order dated 29.04.2024 passed in W.P.(C) No. 5697/2024 stands complied with.

5. If the petitioner is aggrieved by the above said decision, he is always at liberty to take appropriate action, if available under law. Respondent No. 4 is also at liberty to defend any such petition.

6. When the writ petition was disposed of on 29.04.2024, it mentioned about the property bearing No. 2244-2245-2246, Medganj, Bahadurgarh Road, Delhi-110006. The order dated 10.10.2024 is though with respect to property bearing No. 2244-2245, during the course of the arguments, learned counsel for respondent informed that No. 2244 has merely been given to a stair case of that property and, therefore, it also stands adequately covered in the above said order dated 10.10.2024. Such fact has, however, been refuted by petitioner.

7. Consequently, the petition stand disposed of in the aforesaid terms. Liberty is granted to the petitioner to challenge the above said order dated 10.10.2024 in accordance with law.

MANOJ JAIN, J

DECEMBER 9, 2024/sw