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

+ **W.P.(C) 541/2025**

JITENDER UPRETI

.....Petitioner

Through: Mr. Jayant Tiwari, Ms. Sunaina
Valecha, Ms. Mehroon Nisha and Ms. Pooja Rani,
Advocates.

versus

COMMISSIONER OF M.C.D & ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, Standing
Counsel with Ms. Shweta Singh, Advocate for
MCD.

Mr. Rajnish Kumar Gaiind (SPC) for Respondents
No. 2 & 3

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.01.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“(1) Seeking direction to SHO Dabri, Traffic Commissioner, Commissioner MCD to remove the illegal encroachment done by the respondent no. 1

(2) Seeking direction to SHO Dabri to take immediate action against the respondent No. 1 and take criminal action and stop him from doing illegal encroachment done by the respondent no. 1.”

2. Learned counsel for the Municipal Corporation of Delhi (MCD), appearing on advance copy of the writ petition, on instructions, submits that on 03.10.2024, the property in question was booked and show cause notice was issued to Respondent No.4. On 11.10.2024, a demolition order was also passed, however, no action could be taken due to non-availability of the



Police force and imposition of GRAP restrictions. He further submits that necessary action will be taken in accordance with law.

3. Learned counsel for the Petitioner, on instructions, submits that at this stage, Petitioner's grievances stand redressed.

4. Accordingly, writ petition is disposed of taking the stand of the MCD on record. Needless to state that MCD will take further action after compliance with the statutory formalities and keeping in view the judgment of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

5. This order is passed without prejudice to the rights and contentions of Respondent No. 4, who will be at liberty to resort to appropriate remedies in accordance with the aforementioned judgment.

6. In case of any surviving grievance, Petitioner will be at liberty to take recourse to legal remedies.

JYOTI SINGH, J

JANUARY 16, 2025/shivam