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

+ **CONT.CAS(C) 319/2024**

SURENDER KUMAR

.....Petitioner

Through: Ms. Heeba Ansari, Advocate.
versus

GYANESHWAR BHARTI & ORS.

.....Respondents

Through: Ms. Puja S. Kalra, SC for MCD.
Mr. Sunil Chaudhary and Mr. Jai
Vardhan, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.12.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 10 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers:

- a. An order be passed whereby the Respondents and/ or any other persons found to be guilty of disobeying and punished for defying and violating the order dated 10.01.2024 in W.P.(Civil) 311/2024
- b. Petition be allowed with Heavy costs;
- c. Any other order as this Hon'ble Court deems just, fit and appropriate be also passed."

3. *Vide* order dated 10.01.2024 in W.P.(C) 311/2024, following directions were passed:

3. Learned counsel, as aforesaid, appear and accept notice on behalf of the respondents. Learned counsel for the respondent no.1/MCD submits that the following actions have already been taken in respect of the aforesaid property:

- "1. This property has been booked vide File No.04/UCIB-IIISZ/2024 dated 03.01.2024 in the shape of



Ground Floor & First Floor, for taking action under Section 343/344 of DMC Act-1957. The requisite Show Cause Notice has also issued I served upon the owner /occupier.

2. Sealing proceedings under Section 345-A of DMC Act, 1957 has also been initiated.

3. Work stop letter dated 05.01.2024 u/s 344 (2) of DMC Act, 1957 has also been sent to concerned, SHOPS Fatehpur Beri, New Delhi to requested to get the unauthorized construction stopped.

4. Letter dated 05/01/2024 to Delhi Jal Board and BSES for disconnection of Water and Electricity supply have also been sent to concerned authorities.

5. Letter dated 05/01/2024 to Sub-Registrar office for not registering the property have also been sent.

4. He submits that further action in respect of subject property shall be expeditiously taken in accordance with law.

4. Learned counsel for the MCD has been placed on record status report dated 03.12.2025, wherein it has been recorded as under:

“5. That further, on referring to the record, it has also been gathered that in meanwhile, on being aggrieved with aforesaid action, the owner / occupier of the subject property has also filed an appeal bearing No. 41 1/ATMCD/2024 titled as “*Smt. Biram Wati VS MCD*” before the Hon’ble Appellate Tribunal - MCD. The Hon’ble ATMCD in the said appeal, vide its orders dated 07/06/2024 has been pleased to restrained the respondent - MCD from taking any coercive action qua the subject property till the next date of hearing. The copy of the order dated 07/06/2024 is annexed herewith as **Annexure -A** for kind perusal of this Hon’ble Court.

6. That it is also pointed out that the said interim protection as granted was also further extended by the Hon’ble ATMCD in terms of its order dated 15/04/2025, copy annexed herewith as **Annexure - B.**

7. That the aforesaid appeal as preferred before Hon’ble ATMCD is still pending disposal and is now listed on 17/10/2025.

8. That moreover, it is also pointed out that it has also been learnt that the appellant has also moved an application for clarification regarding continuation of aforesaid interim protection



before the Hon'ble ATMCD which is now listed on 24/07/2025. The copy of the application as received is annexed herewith as Annexure -C.

9. That further it is also stated herein that so as to ascertain the present / latest status of the subject property, the same has also been got inspected through area field staff of Building Department -II of South Zone - MCD on 15/07/2025 and during the said inspection the earlier demolished portion was found lying demolished and seals affixed at First floor of the property also found intact, in terms of earlier action taken by the department on 04/03/2024. The photographs showing the present / latest are annexed herewith as **Annexure -D (Colly)**.

10. That further action in respect of the subject property will be taken / carried out immediately, after vacation of the interim protection / disposal of the appeal pending before Hon'ble ATMCD, as per law.”

5. In view of the above, the present petition is disposed of with liberty to the petitioner to revive the same, subject to the outcome of the appeal pending before the learned ATMCD.

6. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

DECEMBER 8, 2025/bsr/sg