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

+ **W.P.(C) 2834/2025**

BHAGWAN SINGH

.....Petitioner

Through: Mr. Shakil Sheikh, Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Mr. Siddharth Gupta, Advocate for
Respondent No.1/MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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06.03.2025

CM APPL. 13440/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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

“i) issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the Respondent no.1 to immediately comply with its own demolition order dated 19.11.2024 (Annexure P-1) and remove the illegal and unauthorized construction on the land in question; and

ii) issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the respondents to remove the malba (construction debris) dumped on the common passage area, which is causing obstructions and may lead to water logging in the Petitioner's house.”

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4. Issue notice.

5. Mr. Siddharth Gupta, learned counsel for MCD accepts notice and submits that Petitioner has filed a civil suit bearing No. CS SCJ 1069/2024 titled *Bhagwan Singh v. Harcharan Singh* before the Trial Court in which similar reliefs as sought in the present writ petition were claimed and *albeit* on 21.11.2024, Petitioner gave up prayers (a) and (b) in the original plaint in light of stand taken by MCD in the status report, however, by the same order MCD has been directed by the Trial Court to file a status report *qua* the demolition order and once the Trial Court is seized of this issue, Petitioner cannot assert the same reliefs in this writ petition.

6. Having heard counsels for the parties and after perusing order dated 21.11.2024 passed by the Trial Court in the aforementioned suit, I find merit in the objection of counsel for MCD. Trial Court has called upon MCD to file a status report *qua* the demolition order, which is subject matter of the present writ petition and therefore, no interference is warranted by this Court in the present writ petition. It is left open to the Trial Court to take a decision in accordance with law.

7. Writ petition is dismissed.

JYOTI SINGH, J

MARCH 6, 2025

B.S. Rohella

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