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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 3741/2025, CM APPL. 17427/2025, CM APPL. 17428/2025,  
CM APPL. 33885/2025 & CM APPL. 34712/2025

MUKESH KUMAR

.....Petitioner

Through: Mr. Shakil Sheikh, Advocate

versus

DY COMMISSIONER MCD AND ORS

.....Respondents

Through: Mr. Amit Tiwari, CGSC with Ms.  
Ayushi Srivastava and Mr. Ayush  
Tanwar, Advocates for Delhi Police.  
Mr. Gaurav Bahl and Mr. Ishan  
Chawla, Advocates for R-5.

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**  
**29.05.2025**

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1. Heard the learned counsel for the parties.
2. By moving CM APPL. 34712/2025, a prayer has been made that the Appellate Tribunal of the MCD be directed to hear the Appeal No.322/2025 filed against the order of demolition dated 23.04.2025 by the Executive Engineer concerned.
3. This petition is filed with the allegation of certain illegal constructions. The Court *vide* its order dated 26.03.2025 required the MCD to file a status report. It appears that thereafter the issue of illegal construction was taken up by the MCD and the Executive Engineer passed an order dated 23.04.2025,



whereby the respondent no.5 has been directed to demolish the unauthorized construction.

4. Against the said order dated 23.04.2025, an appeal has been preferred by the respondent no.5 under Section 347B of the Delhi Municipal Corporation Act, 1971. Since the necessary action has already been taken by the MCD pursuant to our order dated 26.03.2025, and demolition order had been passed, which of course has been subjected to challenge in a statutory appeal, we are of the opinion that nothing needs to be adjudicated any further in this writ petition, which is hereby disposed of.

5. We, however, direct that appeal filed by the respondent no.5 shall be heard and decided with expedition and in accordance with law.

**DEVENDRA KUMAR UPADHYAYA, CJ**

**TUSHAR RAO GEDELA, J**

**MAY 29, 2025**

*At*