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

+ **CONT.CAS(C) 792/2024**

M.K. CHAND

.....Petitioner

Through: Mr. Pankaj Pal, Adv. with petitioner
in person

versus

GYANESH BHARTI

.....Respondent

Through: Ms. Khushboo Nahar, ASC, MCD

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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09.04.2025

1. Counsel for respondent points out to the status report dated 4th September 2024 filed by the MCD.
2. As per the status report, construction of Fourth Floor and Fifth Floor was liable to be demolished.
3. Demolition action was only taken on 12th March 2024 and one room, one temporary shed (room) and raising of walls was demolished with the help of local police and the MCD demolition squad.
4. On the roof of the Fifth Floor, as per the MCD, only a *mumty* was there, and some water tanks had been installed.
5. Thereafter, a stay order was passed against the demolition on 20th March 2024 by ATMCD, restraining MCD from taking any further action.
6. Counsel for the petitioner, however states, on the basis of photographs annexed as under, that it is not only the *mumty* but the whole floor which had to be demolished:



7. In the opinion of this Court, at this stage, no further action is possible till ATMCD adjudicates upon this matter.
8. In any event, the order of which compliance is sought, directions have already been given to MCD to take action in accordance with law.
9. Accordingly, no further directions are required in this contempt petition, at this stage.
10. Petition is accordingly, disposed of, with liberty to approach this Court in case there is continued infraction.
11. Needless to state, that the MCD shall continue to monitor the case and will also ensure during the stay by the ATMCD, that there is no further construction on the Fourth Floor and Fifth Floor, which have now been ordered to be demolished.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 9, 2025/sm/na