



\$~84

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

+ W.P.(C) 16416/2023

LALIT TYAGI

.....Petitioner

Through: Appearance not given.
Petitioner in person.

versus

MCD AND OTHERS

.....Respondents

Through: Mr. Sanjeev Sabharwal, SC with
Ms. Shweta Singh, Advocate for
MCD.
Ms. Shobhana Takiar, SC with Mr.
Shivam Takiar, Mr. Prateek Dhir,
Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

10.09.2025

CM APPL. 56118/2025 (for direction) & W.P.(C) 16416/2023

1. The petitioner has filed the captioned writ petition, under Article 226 of the Constitution, in respect of unauthorised construction allegedly being carried out by respondent No. 6/Mr. Mahaveer Tyagi in *Khasra No. 30/18 (2 Bigha 12 Biswas), Uttrakhand Enclave Part-I, Main 30 Foota Road, C-Block, opposite H.No. C-95, Street No.-6, Shastri Park Extn., situated in the revenue estate of Village Salempur Majra, Burari, Delhi*, [“subject property”] of which he claims to be the owner.

2. During the course of hearing in CM APPL. 56118/2025 on 08.09.2025, it was brought to my attention that the petitioner has also instituted a civil suit [Civil Suit No. 703/2023, titled *Smt. Jagroshini and*



Ors. v. Sanjay Tyagi and Ors.] before the learned Additional District Judge, Tis Hazari Courts, Delhi, in which Mr. Mahaveer Tyagi has been arrayed as one of the defendants, and an injunction has been sought against him.

3. Copies of the civil suit and the orders passed therein have been handed up in Court by the petitioner and are taken on record. The said suit is primarily one for partition amongst other family members, wherein the plaintiffs (including the petitioner herein) sought an injunction restraining the defendants from changing the nature of the subject property or carrying out any alteration or construction therein. By order dated 26.10.2023, the Trial Court directed the parties to maintain *status quo*, recording, *inter alia*, the statement of defendant No. 6, Mahaveer Tyagi (respondent No. 6 herein) that he had already sold the property to a third party and had no objection if the injunction application was allowed. Respondent No. 6 has also filed his written statement in the said suit.

4. The fact that the petitioner, alongwith other family members, has already instituted a civil suit in which respondent No. 6 is himself arrayed as a party and an injunction against construction has been sought, has not been disclosed in the present writ petition.

5. In these circumstances, learned counsel, instructed by the petitioner, who is present in Court, seeks permission to withdraw the present writ petition with liberty to pursue appropriate remedies in the pending civil proceedings.

6. The writ petition, alongwith the pending applications, is therefore, taken on Board and dismissed as withdrawn, with liberty as aforesaid.

7. It is made clear that nothing stated in this order shall preclude the



respondent authorities from taking action, in accordance with law, against any unauthorised construction on the subject property.

8. The next date of hearing, already fixed, i.e. 18.11.2025, stands cancelled.

PRATEEK JALAN, J

SEPTEMBER 10, 2025

“Bhupi/sd”/