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

+ **W.P.(C) 15322/2024**

MOHD. YUNUS

.....Petitioner

Through: Mr. Vijay Kinger, Mr. Ashwani Gehlot and Ms. Roopa Nagpal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Ms. Shivangi Kumar, Mr. Ankit Kumar Vats and Mr. Gaurav Kumar Arya, Advocates for Respondents No.1 and 2/MCD.
Mr. Santosh Ramdurg, Advocate for Respondent No.3/BSES.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

11.02.2025

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

“a) Issue Writ of Mandamus or any other order, Writ, direction or appropriate direction(s), order(s) thereby directing the Respondent No. 1 & 2 to seal the property bearing no. C-737-738 and , Gali No. 10, Main 25 Foota Road, Rajiv Gandhi Nagar, New Mustafabad. Delhi-110094, demolish the entire illegal structure and restrain the Respondent No. 2 for installing the electricity connection on the property bearing no. C-737-738, 736-D1 and Plot No. 22, Gali No. 10, Main 25 Foota Road, Rajiv Gandhi Nagar, New Mustafabad. Delhi-110094; and

b) Issue direction(s)/order(s) to Respondent No. 3 to not to install any electricity connection on the said property bearing no. C-737-738, 736-D1 and Plot No. 22, Gali No. 10, Main 25 Foota Road, Rajiv Gandhi Nagar, New Mustafabad. Delhi-110094.”

2. Learned counsel for Respondents No.1 and 2/MCD, referring to the status report dated 03.01.2025 submits that the subject property bearing No.



C-737-738, Gali No.10, Rajiv Gandhi Nagar, New Mustafabad, New Delhi was booked on 16.08.2023 for unauthorised construction in the shape of Shops at the Ground Floor and show cause notice bearing No.4830 dated 16.08.2023 was issued and served on the owner/occupier of the property, but no reply was received within the stipulated time. Thereafter, a demolition notice dated 30.08.2023 was issued and served upon the owner/occupier but he failed to comply with the directions to remove the unauthorised construction and hence a demolition order was passed following due process of law.

3. It is further submitted that demolition action was scheduled for 06.12.2023 with the help of the police at PS: Dayalpur and during the course of demolition one RCC panel of size 6x5 feet at Ground Floor and another RCC panel of size 6x6 feet in the room at First Floor were demolished and reinforcement bars were cut. Letter was written to SHO, PS: Dayalpur on 08.12.2023 to direct the patrolling staff to keep a strict vigil so that the owner/occupier does not re-construct. Further demolition action was taken on 06.02.2024 and two RCC panels were demolished and reinforcement bars were cut on the Ground Floor and First Floor. Further demolition action was carried out on 11.03.2024. However in the meantime, Sh. Farid Ahmed/owner/occupier of the property filed an appeal bearing No.40/2024 titled '*Farid Ahmed v. MCD*' before Appellate Tribunal, MCD on 09.02.2024, which is pending and the next date of hearing is 05.03.2025 and therefore, no further action was taken by MCD.

4. Considering the stand of MCD taken in the status report that an appeal filed by the owner/occupier of the subject property is pending before Appellate Tribunal, MCD and he has exhausted the legal remedy available,



no further order is required to be passed at this stage in the present writ petition. Any further action by MCD will be according to the outcome of the appeal and needless to state in compliance with the statutory provisions.

5. Mr. Kinger, at this stage, on instructions, seeks to withdraw this writ petition with liberty to take recourse to legal remedies, after disposal of the appeal and depending on its outcome.

6. Writ petition is accordingly disposed of as withdrawn with liberty to the Petitioner to take legal remedies at appropriate stage. It is made clear that this Court has not expressed any opinion on the merits of the case and respective rights and contentions of the Petitioner, MCD and the owner/occupier of the subject property are left open.

JYOTI SINGH, J

FEBRUARY 11, 2025

B.S. Rohella