

# Usha Rani & Anr vs Mcd & Ors on 15 September, 2023

**Author: Prateek Jalan**

**Bench: Prateek Jalan**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 12129/2023

USHA RANI & ANR.

Through:

MCD & ORS.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 15.09.2023 CM APPL. 47688/2023 (for exemption) Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 12129/2023 & CM APPL. 47689/2023 (Stay)

1. The petitioners have approached this Court under Article 226 of the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 16/09/2023 at 19:37:44 Constitution complaining of alleged illegal construction in property No. 111/9, Kishangarh Vasant

Kunj, New Delhi - 110070. It is the contention of the petitioners that the illegal construction is being raised by respondent No. 5 herein.

2. Mr. Sanjeev Sabharwal, learned Standing Counsel for Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits that a demolition order has already been passed in respect of the property in question on 01.08.2023. He states that MCD proposes to take further action in this regard expeditiously and in accordance with law.

3. Mr. Jasbir Malik, learned counsel, appears on behalf of Satya Dev Thakur, who claims to be the owner of the property in question. He submits that no demolition order has been served upon him. Learned counsel for respondent No. 5, also confirms that respondent No. 5 is a developer who has been engaged by Mr. Satya Dev Thakur to develop the property.

4. In view of the fact that MCD proposes to take action in accordance with law, learned counsel for the petitioner states that no further orders are required in this writ petition.

5. The writ petition stands disposed of with a direction upon Mr. Sabharwal to supply a copy of the demolition order to Mr. Malik, learned counsel for Mr. Satya Dev Thakur and learned counsel for respondent No. 5 during the course of the day.

6. The owners and occupants of the subject property will be at liberty to challenge the order in appropriate statutory remedies if they are so advised. In order to enable them to do so, MCD will not take further action for a period of two weeks from today. Parties will thereafter be governed This is a digitally signed order.

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7. The writ petition, the alongwith pending application, stands disposed of with the aforesaid directions.

PRATEEK JALAN, J SEPTEMBER 15, 2023/"Bhupi"/ This is a digitally signed order.

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