



2026:DHC:6145

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

+ **CONT.CAS(C) 400/2024**

DEEPAK SHARMA

..... Petitioner

Through: Mr. K.K. Sharma with Ms. Sanya
Soni, Advocates with petitioner in
person.

versus

NARESH KUMAR & ANR.

..... Respondents

Through: Ms. Mehak Nakra, ASC (Civil),
GNCTD with Ms. Aditi and Mr.
Abhishek, Advocates for respondent
no. 1.
(M): 9871144582
Email: advmehaknakra@gmail.com
Mr. Rakesh Mittal, Standing counsel
with Mr. Ajay Harshana with
Ms. Yamini Mittal, Advocates for
respondent no. 2/MCD.
(M): 9999303080
Email: advrakeshmittal@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

11.03.2024

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1. The present petition has been filed alleging willful disobedience of the order dated 01st September, 2023 passed by the Division Bench of this Court in *LPA No. 316/2020*.

2. Learned counsel appearing for the petitioner submits that by the



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aforesaid order dated 01st September, 2023, the Division Bench directed the Municipal Corporation of Delhi (“MCD”) to demolish the illegal and unauthorised construction on the fourth floor of the property in question as well as to take action against the construction of the lift that was being constructed unauthorisedly. It is submitted that despite the aforesaid, no action has been taken by the MCD.

3. Issue notice.

4. Notice is accepted by learned counsels appearing for the respondents.

5. Learned counsel appearing for respondent no. 2 submits that the earlier demolition order passed by the MCD against the lift in question was set aside. Subsequently, another demolition order dated 19th October, 2023 has been issued by the MCD. However, qua the same *Appeal No. 722/2023* has been filed before the Appellate Tribunal, MCD (“ATMCD”).

6. By order dated 03rd November, 2023, the learned ATMCD has directed that no coercive steps be taken by the MCD. It is further submitted that the matter before the learned ATMCD is next listed for hearing on 25th April, 2024.

7. However, learned counsel appearing for the petitioner submits that there is no stay as regards the unauthorised construction which is existing on the fourth floor of the property in question.

8. Learned counsel appearing for the respondent submits that partial demolition action qua the unauthorised construction existing on the fourth floor of the property was taken on 02nd August, 2022 and 06th June, 2023.

9. Let Action Taken Report qua the unauthorised construction existing on the fourth floor of the property in question be filed by the respondents within a period of four weeks. Rejoinder thereto, if any, be filed within two



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weeks thereafter.

10. List on 02nd May, 2024.

MINI PUSHKARNA, J

MARCH 11, 2024

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