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

CNR No. DLHC010226682025

+ **W.P.(C) 5149/2025 & CM APPL. 46941/2025**

HASAN MOHD

.....Petitioner

Through: **Mr. S.S. Arneja, Advocate (through VC)**

versus

**THE COMMISSIONER MUNICIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: **Mr. Jai Wadhwa, Advocate for MCD.
Mr. Anshuman, Advocate for R-3.
Mr. Samrat Pasriccha, Advocate for R-4.
Mr. Aditya Singh and Mr. Shitiz Agnihotri, Advocates for R-5.
Mr. Amit Kumar, Mr. Karamveer Tanwar, Mr. Sandeep Kumar and Mr. Prabhav Kumar, Advocates for R-6.
Mr. Prateek Yadav, Advocate for R-8.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

05.08.2026

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1. The present writ petition has been filed seeking directions for restraining and removal of the illegal and unauthorized construction and encroachment, being carried out by respondents no.4 and 5, on the land comprised in *Khasra Nos. 102, 103, 104, 105, 106, 107 and 108 (old Khasra No.123/4, 156/25, 156/27, 113/8, 113/12 and 113/13), near Sky Mansion,*



Phirni Road, First Avenue, Chandan Holla, New Delhi-110074 ('subject property').

2. In the order passed by the predecessor Bench on 31st October, 2025, it was noted that respondent no.4/Arif has filed a suit before the Senior Civil Judge-cum-Rent Controller, South District, Saket Courts, New Delhi ('Civil Court'), being *CS SCJ No.625/2025* titled as '**Arif v. MCD**' wherein a *status quo* order has been passed with respect to the subject property. In these circumstances, MCD was unable to take any further action.

3. Counsel appearing for respondent no.4/Arif submits that MCD is a party in the aforesaid suit and the petitioner herein has filed an application under Order I Rule 10 of the Code of Civil Procedure, 1908 ('CPC') seeking impleadment in the said suit.

4. It is further submitted that the petitioner has also filed a suit against the respondent no.4/Arif which is pending adjudication before the District Court, Saket.

5. Counsel appearing on behalf of the petitioner submits that he is not receiving any instructions from the petitioner.

6. In these circumstances, since the Civil Court is already seized of the issue arising in the present writ petition, the present petition need not be entertained any further.

7. Accordingly, the present writ petition is disposed of.

8. The respondent-MCD shall take appropriate action based on the orders passed in the pending the civil suit filed by respondent no.4/Arif.

9. Pending application stands disposed of.

AMIT BANSAL, J

AUGUST 5, 2026/pt