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

+ **CONT.CAS(C) 1538/2023 & CM APPL. 22243/2024, 22244/2024**

MANVADHIKAR ASSOCIATION

..... Petitioner

Through: Mr. Vivek Sharma, Ms. Meenal
Kapoor, Advocates

versus

SHRI SANJAY ARORA & ORS.

..... Respondents

Through: Ms. Jagrati Singh, SC-MCD
(M:9250208553)

Mr. Abhinav Singh, Ms. Swega
Agrwal, Advocates for Delhi Police.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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16.04.2024

CM APPL. 22244/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CM APPL. 22243/2024

3. The present application has been filed under Section 151 of Code of Civil Procedure, 1908 ("CPC") to bring on record certain facts and for further directions.
4. Learned counsel for petitioner submits that unauthorized construction in the plot bearing No. J-5, West Jyoti Nagar, Delhi had been completed upto third floor, when this fact was brought to the notice of this Court by way of an application and notice was issued to the respondents. By way of the present application, it is submitted that now, even the fourth floor has been erected.



5. Attention of this Court has been drawn to the photographs annexed as *Annexure P-VIII*, particularly, Page nos. 49 and 50 of the present application, which clearly show that unauthorized construction is being carried out with impunity.
6. This Court on earlier occasions had directed the Municipal Corporation of Delhi (“MCD”) to take requisite action against the illegal construction and take appropriate action therein. However, no action seems to have been taken by the MCD.
7. This Court has taken a very serious view of the non-action by the respondent-MCD.
8. At this stage, learned counsel for MCD submits that demolition order qua the unauthorized construction in property in question has already been passed. However, the action could not be taken on account of non-availability of police force.
9. Issue notice. Notice is accepted by learned counsel appearing for the respondents.
10. Let Status Report be filed on behalf of the MCD showing various dates on which demolition action was sought to be taken, when the police force was not made available. Letters issued by the Police in this regard shall be placed on record.
11. Let requisite action be taken by the MCD within two weeks.
12. It is further directed that police force shall be made available to the MCD as and when such request is made for taking action against the aforesaid unauthorized construction.
13. In view of the fact that action has not been taken by the MCD despite opportunity, it is directed that Status Report shall be filed by the Deputy



Commissioner of the concerned zone, i.e., Shahdara (North) Zone.

14. List on 07th May, 2024.

15. The next date of hearing of 25th April, 2024 stands cancelled.

MINI PUSHKARNA, J

APRIL 16, 2024

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