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

+ **W.P.(C) 8719/2024 & CM APPL 35592/2024**

SUBHASH CHANDER

..... Petitioner

Through: Mr. Deepak, Mr. Amit Kumar, Mr.
Dev Pradhan and Mr. Mani Karan,
Advocates

Versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Ms. Jasleen Kaur Sawhney, Advocate

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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02.07.2024

1. Learned counsel appearing on behalf of the respondent-MCD submits that she has already filed the Status Report.
2. A copy of the Status Report has already been supplied to the learned counsel for the petitioner.
3. Learned counsel appearing on behalf of the petitioner seeks some time to file a response to the Status Report.
4. Let the same be filed within a period of two weeks from today. The Status Report be also placed on record.
5. Learned counsel for the petitioner, however, submits that the newly objectionable erected structure came to be demolished by the respondent on 26.09.2023 and what remained was pre-1977 structure. He, therefore, submits that till the matter is finally adjudicated, the petitioner be protected from any further demolition on already existing structure.
6. It is not disputed that the respondent-MCD has already demolished



large part of the building and if the remaining part also suffers demolition, the petition would render infructuous.

7. Having considered the submissions made by learned counsel for the parties and upon a perusal of the provisions of The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2021, more specifically the change brought in Section 3(2)(ii) and 3(4) of The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011, it is discernible that any unauthorised colony identified under the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 in respect of village abadi area and their extensions, which existed on 31st day of March 2002 shall not be demolished till 31st day of December 2026.

8. Learned counsel for the respondent-MCD, however, submits that the aforesaid provisions will have no application under the facts of the present case.

9. Needless to state that all those aspects will have to be examined in greater detail and therefore, under the facts of the present case, this Court deems it appropriate to direct for maintenance of status-quo as it exists today.

10. List on 08th August, 2024.

PURUSHAINDR KUMAR KAURAV, J

JULY 2, 2024

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