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IN THE HIGH COURT OF DELHI AT NEW DELHI
+ WP(C)No.8315/2008 & 15970/2008

Trilok Chand Tyagi Petitioner
Through : Ms.Radhika Chandrashekhar,
Advocate for the petitioner.

Versus

MCD & Ors. Respondents
Through : Mr.Kapil Dutta, Advocate for the MCD
Mr.Ehtesham Hashmi for Mr.Saleem
Ahmed, Adv. for respondents 3 & 4
Mr.Sidharth Jain, Advocate for
respondents No.5 & 6

ORDER
19.12.2008

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

1. Whether reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not?
3. Whether the Judgment should be reported in the Digest?

G.S. SISTANI, J. (ORAL):

1. Learned counsel for the respondent – MCD has handed over the status report. The status report is taken on record. As per the status report the property bearing No.176, Chhatarpur,

Mehrauli, New Delhi was inspected by the concerned officials of the Corporation on 4.12.2008. It is further stated that the occupier / owner has raised unauthorized construction from the ground floor to fourth floor in a 50 sq. yds. plot of land with projection on Municipal Land, without having any sanctioned building plan. The MCD has initiated action against the unauthorized construction under Sections 343 /344 of the Delhi Municipal Corporation Act and consequently on 4.12.2008 itself a show cause notice has been issued.

2. Learned counsel for the petitioner submits that the writ petition may be disposed of in terms of the status report. The MCD shall be bound by the status report filed today in Court. Consequently the petition and the application are disposed of in terms of the status report.

December 19, 2008

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G.S. SISTANI, J.

CM 4994/08 - Mod. of order
19/12/08

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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CM No.4994/2009 (for modification of the order dated 19th December, 2008) in W.P.(C) 8315/2008

TRILOK CHAND TYAGI

..... Petitioner

Through: Ms. Radhika Chandrashekhar & Ms.
Shaily Bhilotra, Advocates.

Versus

MCD AND ORS

..... Respondents

Through: Mr. Ajay Arora, Mr. Kapil Dutta &
Mr. Sarfraz Ahmed, Advocates for
MCD.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

04.10.2010

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1. The writ petition was filed seeking direction to the respondent MCD to remove unauthorized construction of a cellular mobile phone tower by the respondents no.5 & 6 on their properties. The writ petition was disposed of vide order dated 19th December, 2008 upon the counsel for the respondent MCD stating that action had been initiated. Thereafter CM No.4994/2009 has been filed complaining that no action has been taken till now.

2. The counsel for the respondent MCD states that though action for

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removal of the unauthorized construction/tower was initiated but the respondents no.5 & 6 have preferred an appeal thereagainst and which is pending before the Appellate Tribunal, MCD. It has been enquired from the counsel for the respondent MCD whether there is any interim order in the said appeal. The counsel has no instructions.

3. In the absence of any interim orders in the appeal, the respondent MCD ought not to stay its hands in taking action in accordance with law. The counsel for the respondent MCD states that if there is no interim order, the action in accordance with law for removal of the tower shall be taken within eight weeks of today.

4. The petitioner is also given liberty to approach the Appellate Tribunal, MCD to ensure that the appeal is expeditiously and fairly disposed of.

5. With the aforesaid directions, the application is disposed of. No order as to costs.

OCTOBER 04, 2010
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RAJIV SAHAI ENDLAW, J

