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

+ W.P.(C) 6926/2010 & CM No.13709/2010 (u/S 151 CPC for stay)

AAKASH MISHRA & ANR. Petitioners

Through: Mr. A. Maitri, Adv.

Versus

MUNICIPAL CORPORATION OF DELHI Respondent

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

AND

+ W.P.(C) 6927/2010 & CM No.13711/2010 (u/S 151 CPC for stay)

AAKASH MISHRA & ANR. Petitioners

Through: Mr. A. Maitri, Adv.

Versus

MUNICIPAL CORPORATION OF DELHI Respondent

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

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

08.10.2010

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1. The petitioners have preferred two appeals before the Administrator,

Delhi against the dismissal of their two appeals by the Appellate Tribunal, MCD against the orders of sealing and demolition with respect to second floor of Flat No.21, Empire Estate, M.G. Road, Sultanpur, New Delhi. The said appeals were listed for hearing before the Administrator, Delhi on 16th September, 2010 and have been adjourned for hearing to 27th October, 2010. Though the petitioners had also filed an application for interim relief before the Administrator, Delhi but since the Administrator was not held hearing on 16th September, 2010, no orders were made on the said applications also. The petitioners have now preferred these writ petitions for restraining the respondent MCD from taking any action of sealing or demolition with respect to the property aforesaid during the pendency of appeals before the Administrator, Delhi.

2. The action against the petitioners is being taken, also in pursuance to the directions contained in the order dated 16th July, 2010 in W.P.(C) No.14180/2009 filed by the Residents Welfare Association of Empire Estate, Sultanpur, New Delhi. The petitioner in that writ petition also had sought restraint against the respondent MCD on the ground then of the appeals of the petitioners pending before the Appellate Tribunal, MCD. The

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said request was declined vide order dated 16th July, 2010. The petitioners preferred intra Court appeal being LPA No.554/2010 and the Division Bench of this Court vide order dated 6th August, 2010 directed *status quo* to be maintained till the decision of the Appellate Tribunal, MCD and also directed the Appellate Tribunal, MCD to dispose of the appeals by the end of August, 2010.

3. The counsel for the respondent MCD appearing on advance notice contends that the petitioners have no case in appeals before the Administrator, Delhi and are not entitled to any interim relief.

4. However, since the Division Bench of this Court had granted protection to the petitioners during the pendency of appeals before the Appellate Tribunal, MCD and the appeals before the Administrator, Delhi are extension thereof, it is deemed expedient to extend the said order of the Division Bench till the decision of the appeals or the applications for interim relief by the Administrator, Delhi but subject to the condition that the petitioners shall not take any adjournment on whatsoever grounds before the Administrator, Delhi and if the petitioners take any adjournment, this order

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of interim protection, shall automatically stand vacated and the respondent MCD will then be entitled to take action of sealing/demolition in accordance with law.

With the aforesaid directions, the writ petitions are disposed of. No order as to costs.

CM No.13710/2010 (for exemption) in W.P. (C) No.6926/2010 & CM No.13712/2010 (for exemption) in W.P.(C) No.6927/2010.

Allowed, subject to just exceptions.

Copy of this order be given *Dasti* under the signature of the Court Master.

RAJIV SAHAI ENDLAW, J

OCTOBER 08, 2010

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