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

+ **W.P.(C) 3072/2018**

SHRI SHANKAR SHARMA Petitioner

Through: Ms. Payal Jain, Advocate with
Petitioner in person.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Mukesh Gupta, Standing Counsel
with Mr. Shashi Gupta, Advocate for R1/NDMC.
Ms. Febin M. Varghese, Advocate for R2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **29.08.2018**

1. The petitioner has filed the present petition praying inter alia for quashing the show cause notices dated 05.03.2018 and 07.03.2018, issued by the respondent/North Delhi Municipal Corporation in respect of premises bearing No.590, Gali Balmukand, Kucha Pati Ram, Bazar Sita Ram, Delhi. Further, the petitioner seeks quashing of a demolition order dated 19.03.2018, passed by the respondents.
2. A perusal of the averments made in the writ petition in particular, para 23 thereof reveals that the petitioner had sought to invoke judicial review by filing the present petition on the ground that at that point in time, i.e. in March 2018, the Appellate Tribunal, Municipal Corporation of Delhi (ATMCD) was not holding any proceedings.
3. Learned counsel for the respondent states that this is no longer true as the ATMCD is holding the proceedings and if the petitioner has a grievance, then he ought to seek legal recourse against the impugned order as provided

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for in the Statute.

4. We find merit in the above submission. In view of the fact that the petitioner has a statutory remedy against the demolition order dated 19.03.2018, it is for him to seek legal recourse before the ATMCD. The present petition is disposed of. If the petitioner does not approach the ATMCD within one week from today, then the respondent/Nr.DMC shall be at liberty to take further action against the subject premises, as per law.

5. Learned counsel for the respondent refers to the order dated 14.05.2018 to state that the records of Appeals No.372/2017 and 373/2017 filed by the petitioner in respect of the rear portion of the subject premises in respect whereof a demolition order had already been passed by the respondent, were summoned from the ATMCD, for perusal. He states that a status quo order is operating in favour of the petitioner in the said appeals and if the case files are released, the applications filed by the Municipal Corporation and North Delhi Municipal Corporation, for seeking vacation of the interim orders, can be heard and disposed of by the ATMCD expeditiously. Ordered accordingly.

6. The Registry is directed to release forthwith, the files of Appeals No.372/2017 and 373/2017 for the ATMCD to proceed therein expeditiously.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 29, 2018

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