



\$~69

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

%

Judgment delivered on: 21.02.2022

+ W.P.(C) 3195/2022 & CM APPL. 9287-88/2022

AFNAN RAHEES & ANR.

..... Petitioners

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Imran Ahmad, Advocate.

For the Respondent: Mr. Anand Prakash, Standing Counsel, North DMC with
Ms. Varsha Arya and Mr. Akhil Raj, Advocates.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to the respondents not to take any coercive action against the shops of the petitioners being shop Nos.56 & 59 on ground floor of property No.56-61 Chatta Lal Miyan, Fasil Road, Delhi Gate, Delhi.
3. Further petitioner seeks a direction to the respondents not to take any coercive action till disposal of the regularization application, if moved with the Corporation.



4. Learned counsel appearing for the respondent submits that action has been taken as there was unauthorised construction noticed from ground floor upto the fifth floor. He submits that part demolition action qua fourth and fifth floor has already been taken and further action in accordance with law is being contemplated against the subject property.

5. He submits that this property has been booked as far back as on 06.01.2017 for deviation/excess coverage at *inter-alia* the ground floor.

6. Learned counsel submits that demolition order and sealing order have been passed in respect of the subject property and vacation notice has also been given. He further submits that the action of the Corporation would be appealable before the Appellate Tribunal, MCD.

7. Learned counsel for the petitioner submits that since petitioner is a subsequent purchaser he has not received copies of the sealing order or demolition order.

8. Let copies of the demolition and sealing order be furnished to the petitioner through counsel within two days.

9. Learned counsel for the petitioner accordingly seeks leave to withdraw the petition reserving the right of the petitioner to file an appeal before the Appellate Tribunal, MCD and also to approach the Corporation for regularization/compounding of the alleged



unauthorized construction.

10. The Petition is accordingly dismissed as withdrawn. All rights and contentions are reserved.

11. It is however, directed that for a period of 10 days from service of the demolition and sealing order, no coercive action be taken against the shops of the petitioner referred to hereinabove to enable the petitioner to file an appeal before the Appellate Tribunal, MCD.

12. It is clarified that this protection shall enure to the benefit of the petitioner for a period of 10 days after supply of copy of the said orders or till the time the petitioner approaches the Appellate Tribunal, MCD whichever is earlier.

13. The continuance of interim protection thereafter shall be subject to orders to be passed by the Appellate Tribunal, MCD, if any.

14. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

FEBRUARY 21, 2022

rk