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

+ **W.P.(C) 8632/2023 & CM APPL. 32751/2023**

JAGMOHAN SINGH (SENIOR CITIZEN) Petitioner

Through: Mr. M. Hasibuddin and Mr.
Sourav Ghosh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI Respondent
Through: Mr. Ajay Digpaul, Standing
Counsel for MCD with Mr. Kamal Digpaul,
Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (ORAL)

% **28.06.2023**

1. *Vide* order dated 19 June 2023, passed under Section 343 of the Delhi Municipal Corporation Act 1957, the petitioner was directed to demolish certain structures constructed on the property situated at DDA Flat No. A-705 (Ground Floor), Sarita Vihar, New Delhi-110076, which were alleged to be unauthorised.

2. The concluding paragraph of the said order states that, in case the petitioner fails to demolish the said structures within six days, action for demolition would be initiated by the erstwhile South Delhi Municipal Corporation (SDMC).



3. Mr. Hasibuddin's only prayer is that, as the order dated 19 June 2023 is appealable before the learned Appellate Tribunal for the MCD ("the learned AT MCD"), till an appeal is filed and the learned AT MCD takes a decision on the stay application which the petitioner would be preferring along with the appeal, action for demolition be not taken on the basis of the order dated 19 June 2023, as, otherwise, the appeal/stay application would be rendered infructuous.

4. Mr. Ajay Digpaul, learned Standing Counsel for MCD, submits that, if the appeal is preferred within a period of ten days from today, he would instruct the concerned officials in the MCD not to take coercive action to demolish the alleged unauthorised structure on the aforesaid property till the learned ATMCD takes a decision on the stay application which the petitioner would file with the appeal.

5. Accordingly, this writ petition is disposed of with liberty to the petitioner to assail the the impugned order dated 19 June 2023 before the learned ATMCD within ten days from today.

6. In case the petitioner applies for stay of operation of the order dated 19 June 2023, then, no coercive action would be taken by the MCD on the basis of the said order till the learned ATMCD takes a decision on the stay application filed by the petitioner.

7. The writ petition stands disposed of in the aforesaid terms.



8. Miscellaneous application, if any, also stands disposed of.

C. HARI SHANKAR, J.
(VACATION JUDGE)

JUNE 28, 2023

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