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

+ **W.P.(C) 16107/2023 & CM APPL. 9639/2024**

PURSHOTTAM GARG & ORS.

..... Petitioners

Through: Mr. Aditya Raj, Advocate
Mob: 7073011531
Email: aditya142@gmail.com

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Raghwendra Tiwari, SPC for R-1
with Ms. Mamta Tiwari, Advocate.
Mob: 9582499135
Ms. Manika Tripathy, SC, DDA
Mob: 9811831835
Email: manikatripathy@yahoo.com
Mr. Kapil Dutta, Advocate and Mr.
Puneet Yadav, Advocate for MCD
Mob: 9999388384

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
22.02.2024

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CM APPL. 9639/2024

1. The present application has been filed seeking directions against the respondents not to interfere with the possession of the petitioners as well as directing them not to take any further demolition activities qua the property of the petitioner.
2. Learned counsel appearing for the applicants submits that applicants



are the owners of the property. He further submits that despite the petitioners being the owners of the property in question, i.e., property no. C-43 (Part), 36 Ft. Road, West Jyoti Nagar Extension, Delhi, no notices have been issued to the petitioners before taking any action by the respondent-Municipal Corporation of Delhi (“MCD”). It is submitted that the MCD has carried out sealing and demolition action against the property of the petitioners without following the due process of law.

3. Per contra, learned counsel appearing for the MCD submits that the requisite notices were issued to the owners/occupier of the property in question through registered post, which remained un-served. He further submits that the said notices, thereafter, were pasted at the site.

4. If that be the case, the petitioners are at liberty to approach the Appellate Tribunal: Municipal Corporation of Delhi (“ATMCD”) to seek their remedies in accordance with law.

5. At this stage, learned counsel appearing for the petitioners submits that no Show Cause Notices have been served upon the petitioners.

6. Learned counsel appearing for the respondent/MCD submits that he is carrying the original file and that photocopy of the requisite documents shall be handed over to the learned counsel for the petitioner.

7. Accordingly, the present application is disposed of with the aforesaid liberty.

MINI PUSHKARNA, J

FEBRUARY 22, 2024

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