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

+ **W.P.(C) 956/2024 &CM APPL. 3934/2024 (stay)**

ASHOK KUMAR TANEJA

..... Petitioner

Through: Mr. Piyush Gupta, Mr. Puneet Goyal,
Mr. Jai Sani and Ms. Isha Kapoor,
Advts.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondents

Through: Mr. Tushar Sannu, Adv.-GNCTD
with Mr. Manoviraj Singh, Adv. and
Mr. Puspendra Kumar, EE (B)-
Shahadra South. for MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER
29.01.2024

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The hearing has been conducted through video-conferencing.

1. Learned counsel for the respondent/MCD submits that a demolition order as also a sealing order has already been passed qua the property in question.
2. Admittedly, the said demolition order and the sealing order are appealable before the ATMCD.
3. Accordingly, the present petition is disposed of with liberty to the petitioner to file an appeal before the ATMCD assailing the demolition order and the sealing order passed qua the property in question.
4. Learned counsel for the petitioner submits that the said demolition order and the sealing order are *ex-facie* illegal and completely without



jurisdiction, since the construction in the property bearing no.442, 443/1, Jheel Khuranja, Delhi is in existence since 1990.

5. The petitioner shall be at liberty to take this plea before the ATMCD which shall pass appropriate order/s after taking into account the said plea.

6. Learned counsel for the petitioner contends that since the sealing of the property is *ex-facie* illegal, the property should be directed to be immediately de-sealed. The ATMCD is requested to consider this aspect of the matter as well and pass appropriate order/s.

7. In the interregnum, while the petitioner files its appeal before the ATMCD, the MCD is directed to maintain status quo and refrain from taking any precipitative action for the period of three weeks from today. The ATMCD shall be at liberty to pass further interim order/s thereafter after considering the respective submissions of the parties.

8. With the aforesaid observations, the present petition stands disposed of.

SACHIN DATTA, J

JANUARY 29, 2024/r