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

+ **W.P.(C) 1294/2024&CM APPL. 5349/2024 (Stay)**

SH. V. K. AGARWAL & ANR.

..... Petitioners

Through: Mr. Manoj Khanna and Ms. Savita
Rustogi, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS..... Respondents

Through: Mr. Ashutosh Gupta, ASC for R-1
/MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

30.01.2024

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The hearing has been conducted through video-conferencing.

1. The present petition raises a grievance with regard to permission/NOC for installation of lift given by respondent nos.1 and 2 vide letter bearing N0.06/LIFT/AE(B)-II/KPZ/2023 dated 01.12.2023 to respondent nos. 3 to 11 in SFS Flats in Ashok Vihar, Phase-IV, Delhi-110052.
2. It is submitted that the said permission/NOC is in the teeth of and in violation of the order dated 15.09.2023, passed in W.P.(C) 12175/2023.
3. Learned counsel for the MCD, who appears on advance notice submits that the permission/NOC has been granted under Section 336 of the DMC Act, 1957 and if the petitioners are aggrieved with the same, the petitioners ought to avail the statutory appellate remedy by approaching the ATMCD under Section 347B of the DMC Act, 1957.



4. After some hearing, learned counsel for the petitioners seeks leave to withdraw the present petition to approach the ATMCD seeking appropriate reliefs. It is directed accordingly. The petitioners shall approach the ATMCD within a period of two weeks from today.
5. In the interregnum, it is directed that the permission/NOC dated 01.12.2023 shall be kept in abeyance. It shall be for the ATMCD to pass further appropriate/interim orders after hearing respective parties.
6. The present petition is, accordingly, disposed of.
7. It is made clear that this court has not expressed any opinion on the merits of the contentions raised by the petitioners with regard to validity of the aforesaid permission/NOC dated 01.12.2023.

SACHIN DATTA, J

JANUARY 30, 2024/cl