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

\+ W.P.(C) 1538/2024

(50) ROHIT GUPTA & ANR. ..... Petitioners

Through: Mr. Sandeep Sharma, Mr. R. K. Ruhil, Mr. Nilesh Deep, Ms. Kanchan Semwal and Mr. Anil Kumar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR..... Respondents

Through: Mr. Umesh K Burnwal, SC for MCD.

\+ W.P.(C) 1550/2024

(51) BRIJ MOHAN GUPTA ..... Petitioner

Through: Mr. Sandeep Sharma, Mr. R. K. Ruhil, Mr. Nilesh Deep, Ms. Kanchan Semwal and Mr. Anil Kumar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR..... Respondents

Through: Mr. Umesh K Burnwal, SC for MCD.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% 02.02.2024

The hearing has been conducted through video-conferencing

CM APPL.6369/2024 (Exemption) in W.P.(C) 1538/2024
CM APPL.6388/2024 (Exemption) in W.P.(C) 1550/2024

Allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 1538/2024 and CM APPL.6370/2024 (Stay)
W.P.(C) 1550/2024 and CM APPL.6389/2024 (Stay)

1. The present petitions have been filed by the petitioners impugning the orders of demolition dated 18.07.2023, under Section 343 of the DMC Act, 1957 regarding property bearing no.H-8, Arya Samaj Road, Uttam Nagar,

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New Delhi and property bearing no.H-9, Arya Samaj Road, Uttam Nagar, New Delhi.

2. The petitioners also impugn vacation orders dated 10.01.2024 passed by the respondents, under Section 349 of the DMC Act, 1957.

3. Admittedly, the aforesaid orders are appealable before the ATMCD.

4. In the circumstances, the present petitions are disposed of with liberty to the petitioners to file an appeal before the ATMCD.

5. Learned counsel for the petitioners submits that urgent interim orders are warranted to ensure that the statutory appeal before ATMCD is not rendered infructuous.

6. The petitioners are directed to file an appropriate application seeking interim relief before the ATMCD which shall be considered by the ATMCD in accordance with law.

7. Learned counsel for the petitioners submits that the statutory appeal along with the application seeking interim relief shall be filed expeditiously so that the same is listed before the ATMCD within one week.

8. In the interregnum, it is directed that for a period of one week from today, MCD shall refrain from taking any further coercive/precipitative steps in respect of the properties in question.

9. The ATMCD shall be at liberty to consider the interim applications of the petitioners on merits, without being influenced by the observations made in this order. It is made clear that this court has not expressed any opinion on the merits of the contentions of the petitioners.

10. The present petitions stand disposed of.

FEBRUARY 2, 2024/cl **SACHIN DATTA, J**

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