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

+ **W.P.(C) 2989/2024 & CM APPL.12313/2024**

MANISH GARG

..... Petitioner

Through: Mr.Bharat Chugh, Advocate (through VC) with Mr.Gaurav Bashu, Mr.Mayank Arora, Mr.Abhinav Agrawal and Ms.Nidhi Goyal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Through: Mr.Anuj Chaturvedi, Standing Counsel with Ms.Shreya Manjari, Advocate for R-1.
Mr.Akhil Hasija, Advocate with Mr.Pankaj Tandon, Advocate for R-2.
Ms.Mrinalini Sen, Standing Counsel with Ms.Madhawi Agarwal, Advocate for R-3.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

29.02.2024

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1. Present writ petition has been filed with the following prayers:-

“i. Issue a writ of mandamus, or any other appropriate writ, order or direction to Respondent No. 1 to stop/seize any demolition action initiated/fixed on the property in future;

ii. Issue a writ of mandamus, or any other appropriate writ, order or direction to Respondent No. 2 to restore the electricity connections of the property and all the units;



- iii. Issue a writ of mandamus, or any other appropriate writ, order directing the Respondent to not to take any coercive action(s) against the Petitioner during the pendency of this petition;*
- iv. Direct the Respondents to act strictly in accordance with law and not in violation of the due process;*
- v. Any other order(s) or relief(s) as this Hon'ble Court may deem fit in the facts and circumstances of the case.”*

2. Learned counsel for the Respondents states that this Court vide order dated 8th January, 2024 had disposed of W.P.(C) 189/2024 (alleging unauthorised construction in collusion with officials of the MCD and a Municipal Councillor) with directions to the Chairman, Special Task Force to treat the said writ petition as a representation and to decide the same within four weeks.

3. This Court is of the view that the Appellate Tribunal, MCD is the specialised forum to deal with the demolition and sealing cases. Consequently, the present writ petition along with pending application is disposed of with liberty to the Petitioners to agitate their grievances before the Appellate Tribunal, MCD. It is clarified that the Appellate Tribunal, MCD shall decide the matter in accordance with law without being influenced by the order dated 8th January, 2024 passed by this Court. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 29, 2024/TS