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

+ **W.P.(C) 3089/2024, CM APPL. 12740/2024**

IMRAN KHAN & ANR.

..... Petitioners

Through: Mr. Raj Shekhar Rao, Sr. Adv.
alongwith Mr. Saifuddin Shams and
Mr. Himanshu Mishra, Adv.

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER**

..... Respondent

Through: Mr. Nikhil Palli and Mr. Arivijay
Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

29.02.2024

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CM APPL.12741/2024 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3089/2024

1. The present petition has been filed by the petitioners assailing the demolition order dated 20.02.2024 bearing file no. 48/W/B-11/52/2024 issued by the respondent/MCD *qua* property *i.e.*, Ameen Farm (Part), 2nd Avenue, Bandh Road, Chandan Haula, Chhatarpur, New Delhi.
2. Admittedly, the impugned demolition order is appealable before the ATMCD.
3. Learned senior counsel for the petitioners strenuously submits that in the peculiar facts and circumstances of the present case, urgent interim



order/s are required to protect the petitioners in view of the gross and patent illegality of the impugned demolition order.

4. Learned counsel for the MCD strongly refutes the contentions of the Petitioner. He further submits that the petitioner must be relegated to the prescribed appellate remedy. It is further apprised that no action is proposed to be taken qua the property before 04.03.2024.

5. Given that the impugned order is appealable, the present petition is disposed of with liberty to the petitioners to file an appeal before the ATMCD assailing the impugned demolition order. The petitioners are also specifically granted liberty to request the ATMCD for urgent interim order/s, which may be duly considered by the ATMCD and appropriate order/s may be passed thereon, if so warranted.

6. Learned senior counsel for the petitioners submits that the appeal, alongwith the application seeking interim relief, shall be filed before the ATMCD latest by 04.03.2024, along with an application seeking interim relief. Let the same be taken up for consideration by the ATMCD on the said date itself.

7. With the aforesaid directions, the present petition, along with the pending application, is disposed of.

8. It is made clear that this Court has not expressed any opinion as to the merits of the contentions raised by the petitioners.

9. Copy of this order be given *dasti*.

SACHIN DATTA, J

FEBRUARY 29, 2024/r