



\$~28 and 29

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

+ W.P.(C) 5826/2023 & CM APPLs. 22848/2023, 30635/2024

MOHD YUNUS & ORS.Petitioners
Through: Mr.S.D.Ansari and Mr.I.Ahmed,
Advocates for P-1
Mr.Abhishek Gupta, Advocate
(Proxy) for P-2,3 and 4

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.Respondents
Through: Mr.Abhinav Sharma,
Mr.Mahender K. Shukla and
Mr.Ramit Sherawat, Advocates for
MCD
Ms. Mehak Nakra, ASC with Ms.
Bhavya Nakra, Ms. Salonee and
Mr. Mayank, Advocates for R-2.

+ W.P.(C) 5834/2023 & CM APPLs. 22860/2023, 25481/2024,
25482/2024

ASJAD MALIKPetitioner
Through: Mr.Ramakant Agarwal, Advocate

versus

MUNICIPAL CORPORATION
OF DELHI AND ORSRespondents
Through: Mr.Ashutosh Gupta, ASC for
MCD
Mr.Waheeh Shafiq and
Mr.Vishwajeet Kumar, Advocates
for R-4



CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
18.11.2024

%

1. These two writ petitions are directed against a notice dated 12.04.2023 issued by the Municipal Corporation of Delhi [“MCD”] under Section 348 of the Delhi Municipal Corporation Act, 1957 directing the occupants of property bearing *No. 1088, Mohalla Kishan Ganj, Azad Market, Sadar Bazar, Delhi-110006* [“subject property”] to vacate the property on the ground that the property is in a dangerous and dilapidated condition. Both the writ petitions have been filed in respect of the same impugned notice by different residents/occupants of parts of the premises in question.
2. Status reports have been filed by MCD in W.P.(C) No. 5834/2023. The latest status report was filed on 30.04.2024, in which it is stated that the subject property has been re-inspected and found to have deteriorated to the extent that it is irreparable.
3. Objections have been filed by the petitioner in the said petition, in which disputes are raised as to the correctness of the photographs filed with the status report and a contention is raised that the property is, in fact, repairable.
4. Learned counsel for the petitioners state that, in view of the fact that these disputes will require factual adjudication on evidence, they seek liberty to withdraw these writ petitions with liberty to agitate their grievances in ordinary civil proceedings.
5. It may be mentioned that a submission has been made by Mr.



Abhishek Gupta, learned counsel for the petitioner Nos. 2,3 and 4 in W.P.(C) No. 5826/2023, states that they do not wish to agitate the writ petition any further. He submits that they have filed an affidavit to this effect.

6. Mr. S.D. Ansari and Mr. I. Ahmed, learned counsel, who have filed the writ petition on behalf of four petitioners, submit that they have no instructions to withdraw the petition on behalf of any of the petitioners.

7. It is unnecessary to enter into this controversy, in view of the fact that the petitioners, in any event, are seeking liberty to agitate their grievances by way of civil suits. If any of the petitioners are not inclined to proceed with these grievances, they can choose not to file civil suit(s) in this regard.

8. The petitions are dismissed as withdrawn, with liberty to file civil proceedings.

9. By order dated 04.05.2023, the petitioners were protected from coercive action; this interim order has held the field until today. It is directed that the interim order will continue for a period of three weeks from today.

10. In the event, any of the petitioners file a civil suit alongwith any application for interim orders, the concerned Court may take a decision upon the application on its own merits, uninfluenced by orders passed by this Court.

PRATEEK JALAN, J

NOVEMBER 18, 2024

'SV'/AL/