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

+ **W.P.(C) 6223/2024**

RAJENDER KUMARPetitioner

Through: Mr. Kamal Sagar, Adv.

versus

MUNICIPAL CORP. OF DELHIRespondent

Through: Ms. Puja S. Kalra, Adv. for
MCD.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **16.10.2024**

1. We take note of the order dated 18 July 2024 and where we had taken note of the following salient facts: -

“CM APPL. 39754/2024 (Stay)”

1. The petitioner has filed the present application inter-alia praying that directions be issued to the respondent to not take any coercive action of demolition/sealing in respect of Shop No.2, Gaushala Gate No.1, Kishan Ganj, Delhi-110006, till the disposal of the petition.

2. The petitioner has filed the above-captioned petition praying that he be allotted an alternative shop on tehbazari in any place within the vicinity Sadar Paharganj Road. There is no relief sought by the petitioner for continuing at the current shop.

3. More importantly, the petitioner has also filed a suit before the District Court being CS-SCJ 556/2024 (**captioned as Rajender Kumar V. MCD**). In the said suit, the petitioner has given an undertaking to remove his articles as well as the structure on the suit property on or before 30.04.2024. Thus, the petitioner essentially seeks an order which, in one sense, is contrary to the petitioner's undertaking in the suit.

4. Considering the above, we find no ground to issue any interim orders in this petition. The application is consequently dismissed.

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5. List on 16.10.2024, the date already fixed.

6. Final opportunity is granted to the respondent to file counter-affidavit within a period of two weeks from date.



7. Rejoinder thereto, if any, be filed before the next date of hearing.
8. List on 16.10.2024, the date already fixed.”

2. We are informed by Ms. Kalra, learned counsel for the respondent, that since the undertaking proffered by the writ petitioner in the suit was not adhered to, the Municipal Corporation of Delhi had taken remedial and coercive action and had also demolished the suit property.

3. In view of the aforesaid, we find ourselves unable to grant the reliefs which are sought in the instant writ petition.

4. We, however, accord liberty to the writ petitioner to move the competent authority, if it seeks a certificate of vending and permission in accordance with law to carry on vending activities in an appropriate zone.

5. The writ petition stands disposed of on the above terms.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 16, 2024/RW