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

+ W.P.(C) 13208/2022

SANDEEP JAIN

.....Petitioner

Through: Mr. Jaspreet Rai, Mr.Rohit Nagpal
and Mr.Devinder Singh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

.....Respondents

Through: Mr.Sanam Tripathi, ASC for MCD
with Mr.Shreyash Choudhary, Adv.

50

+ W.P.(C) 13405/2022 & CM APPL. 40709/2022

ARUN KUMAR TULI AND ORS

.....Petitioners

Through: Mr.Jaspreet Rai, Mr.Rohit Nagpal
and Mr.Devinder Singh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

.....Respondents

Through: Mr.Manu Chaturvedi, SC for MCD.
Ms.Uma Prasuna Bachu, Sr.PC for
UOI.

51

+ W.P.(C) 13527/2022

PRAVEEN MAHAJAN

.....Petitioner

Through: Mr.Jaspreet Rai, Mr.Rohit Nagpal
and Mr.Devinder Singh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr.Manu Chaturvedi, SC for MCD.
Mr.Ram Pal Singh Tomar and



Ms.Shubhra Parashar, Advs for UOI.

52

+ W.P.(C) 13647/2022
VANDANA ASWANI

.....Petitioner

Through: Mr.Jaspreet Rai, Mr.Rohit Nagpal
and Mr.Devinder Singh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

.....Respondents

Through: Ms.Archana Gaur, SPC for UOI.

53

+ W.P.(C) 14283/2022
DINESH MITRA

.....Petitioner

Through: Mr.Jaspreet Rai, Mr.Rohit Nagpal
and Mr.Devinder Singh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

.....Respondents

Through: Mr.Manu Chaturvedi, SC for MCD.
Mr. Ghanshyam Mishra, Adv for
R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **22.08.2024**

1. Learned counsel appearing on behalf of the respondents has reiterated the objection with respect to the maintainability of the instant writ petitions. He has also placed reliance on an order dated 28.10.2021 passed in W.P.(C) 12061/2021 to contend that there is an alternate efficacious remedy available to the petitioners to approach the Appellate Tribunal - Municipal



Corporation of Delhi (AT-MCD) under Section 347B(m) of the Delhi Municipal Corporation Act, 1957.

2. Learned counsel appearing on behalf of the petitioners vehemently opposes the aforesaid submissions and states that the petitioners are members of the Association, namely Central Radio and Electronic Merchants (CREMA) who had already filed a writ petition bearing no. W.P.(C) 7877/2016. He further submits that *vide* order dated 14.12.2021, the Court had passed various directions and according to him, the respondents are bound by the same. He, therefore, contends that the petitioners should not be relegated to the alternative remedy.

3. Learned counsel submits that in the instant case, the remedy shown to be available to the petitioners is not efficacious. In addition to the aforesaid submissions, he also submits that the case of the petitioners will have to be heard with the aforesaid writ petition which also involves almost a similar controversy. He also justified the writ petitions on merits and tries to indicate that the respondents are taking action selectively.

4. I have considered the submissions made by learned counsel for the parties and perused the record.

5. It is not disputed that the petitioners have alternative remedy under Section 347B(m) of the Delhi Municipal Corporation Act, 1957. So far as the argument with respect to the said remedy being inefficacious is concerned, the Court is unable to accept the aforesaid submission for the simple reason that the petitioners have not been able to demonstrate as to why, the said remedy is not efficacious and more importantly, the petitioners have not even resorted to the said remedy.

6. It is also to be noted that the impugned actions in the instant writ



petitions were taken prior to the passing of the order dated 14.12.2021 in W.P.(C) 7877/2016.

7. The Court is of the considered opinion that since this Court in W.P.(C) 12061/2021 has relegated almost a similar grievance to the AT-MCD, therefore, there is no reason as to why the petitioner should not be relegated to the said remedy.

8. Accordingly, reserving that right in favour of the petitioners to approach the AT-MCD, the instant writ petitions along with pending applications stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 22, 2024/MJ