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

+ LPA 499/2024

MR MANISH CHAWLA

.....Appellant

Through: Mr. Prakash Gautam, Mr. Sandeep Kumar and Mr. Sachin Gautam, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ANRRespondents

Through: Mr. Mukesh Gupta, Standing Counsel with Mr. Raghav Gupta, Advocate for MCD/R-1.
Mr. Gautam Narayan, Mr. Ayush Gupta and Ms. Rakhi, Advocates for R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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25.07.2024

1. Present appeal has been filed challenging the Order dated 27th May, 2024 passed by the learned Single Judge in W.P.(C) 14345/2022, wherein it was held that the writ petition is not maintainable as the Appellant therein had already raised his grievance with regard to alleged misuse and unauthorized construction in the basement of the property in question, by filing a Civil Suit before the Trial Court bearing No. C.S.(OS) 610758/2016, which is currently pending adjudication before the Senior Civil Judge, Tis Hazari Courts.



2. After some arguments, learned counsel for the appellant states that he would withdraw the aforesaid Civil Suit and file a fresh writ petition.
3. Learned counsel for respondent no.2 states that the Municipal Corporation of Delhi has already initiated proceedings *qua* the allegations made by the appellant and the order has been reserved.
4. Recording the aforesaid statement, the present appeal is disposed of. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 25, 2024

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