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

+ **W.P.(C) 9267/2024, CM APPL. 38020/2024 & 38021/2024**

DURGA PRASAD

.....Petitioner

Through: **Mr.Akshay Bedi, Adv.**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: **Mr.Pritish Sabharwal, Adv for MCD.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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09.07.2024

1. The petitioner is aggrieved by the demolition order dated 19.06.2024 and the instructions for vacation *vide* order dated 02.07.2024. The petitioner admittedly has assailed the aforesaid order and taken recourse to alternate remedy under Section 343 of The Delhi Municipal Corporation Act, 1957.
2. However, as of now, the said remedy is not efficacious as the post of Presiding Officer, Appellate Tribunal-Municipal Corporation of Delhi (MCD) is lying vacant.
3. Learned counsel appearing on behalf of the petitioner justifies that the construction in question can be regularised. On the other hand, learned counsel for the respondent-MCD, on advance instructions, opposes the submissions and states that the same is not permissible as the construction in question is on Government land.
4. Be that as it may, since the petitioner has already taken recourse to alternate remedy, it is for the said authority to consider all those contentious



issues.

5. However, in the interest of justice and till the order on petitioner's application for interim relief is passed by the Appellate Tribunal-MCD, the respondents are directed to maintain the *status quo* as it exists today.

6. Needless to state that the Court has not commented on the merits or otherwise.

7. The Appellate Tribunal-MCD is directed to take up the matter as soon as the charge is assumed by the Presiding Officer and the same shall endeavour to decide the stay application on priority basis.

8. Accordingly, the writ petition is disposed of alongwith the pending applications.

PURUSHAINdra KUMAR KAURAV, J

JULY 9, 2024/MJ