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

+ **W.P.(C) 9313/2024 & CM APPLs. 38138/2024**

**SMT. MOHINDER KAUR**

.....Petitioner

Through: Mr.Aman Mudgal, Adv.

versus

**MUNCIPAL CORPORATION OF DELHI**

.....Respondent

Through: Mr.Umesh K.Burnwal, SC for MCD.  
Mr.Ashutosh Gupta, ASC for MCD.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**ORDER**

% **10.07.2024**

**CM APPL. 38139/2024 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

**W.P.(C) 9313/2024 & CM APPLs. 38138/2024**

1. The petitioner is aggrieved by the order dated 16.05.2024 and has therefore, prayed for the following reliefs:-

*"a) Issue a writ/order/direction(s) in the nature of mandamus or any other appropriate writ/order/direction for quashing and setting aside the impugned order dated 16.05.2024 passed by the Municipal Corporation of Delhi whereby the respondent have passed demolition order against the petitioner herein*

*b) Further issue a writ of mandamus or any other writ/ order/ direction thereby directing the respondents to not to take any coercive steps against the petitioner herein*

*c) any other order/direction(s) as the hon'ble court may deem fit and proper"*



2. Admittedly, the remedy lies under the Delhi Municipal Corporation Act, 1957 to file an appeal against the said order before the Appellate Tribunal-Municipal Corporation of Delhi (AT-MCD).

3. Learned counsel appearing on behalf of the petitioner fairly submits that he has already resorted to the said remedy. He, however, points out that on account of unavailability of the Presiding Officer therein, the said remedy is not efficacious.

4. Having considered the submissions made by learned counsel for the parties, the Court deems it appropriate to pass the following directions:-

(i) Let the appeal filed by the petitioner be taken up for consideration by the AT-MCD once the Tribunal becomes functional.

(ii) The AT-MCD is directed to first deal with the application for interim relief. Till the application is disposed of, the respondents are directed to maintain the *status quo* as on date.

(iii) All rights and contentions are left open.

5. The instant writ petition stands disposed of along with pending application.

**PURUSHAINDR KUMAR KAURAV, J**

**JULY 10, 2024/MJ**