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

+ **W.P.(C) 9374/2024 & CM APPL. 38515/2024**

RESHU BHARDWAJ

.....Petitioner

Through: Mr.Anand Kumar, Mr.Ajay Sharma
and Mr.Ramdhan, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr.Ashutosh Gupta, ASC for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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11.07.2024

CM APPL. 38514/2024 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 9374/2024 & CM APPL. 38515/2024

1. Learned counsel appearing on behalf of the petitioner submits the impugned action for demolition is in contravention of the Statutory Rules and Regulations and the same has been passed without extending adequate opportunity of hearing to the petitioner.
2. He, however, concedes that against the impugned action, the remedy would lie before the Appellate Tribunal-Municipal Corporation of Delhi (MCD). He, therefore, submits that he be granted liberty to withdraw the instant petition with further liberty to approach the Appellate Tribunal-MCD and in the meantime, the respondents be restrained from taking any



demolition action against the petitioner.

3. The Court is cognizant of the fact that the Presiding Officer, Appellate Tribunal-MCD is unavailable. As per the directions passed by the Division Bench of this Court, necessary steps for filling up the vacant post are stated to be underway.

4. Issue notice.

5. Learned counsel for the respondent-MCD accepts notice.

6. Having perused the contents of the petition, the Court deems it appropriate to dispose of the instant petition with the following directions:-

- (i) The petitioner shall approach the Appellate Tribunal-MCD within three working days.
- (ii) On filing the appeal along with the stay application, let the stay application at least be decided by the Appellate Tribunal-MCD as expeditiously as possible.
- (iii) Till the application for stay is decided by the Appellate Tribunal-MCD, the respondents are restrained from taking any demolition action against the property in question.
- (iv) All rights and contentions of the parties are left open.

7. Needless to state that if the petitioner does not furnish proof of filing the appeal along with the stay application before the Appellate Tribunal-MCD, the respondent-MCD shall be free to take appropriate action. All pending application(s) stand disposed of.

PURUSHAINDR KUMAR KAURAV, J

JULY 11, 2024/MJ