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

+ **W.P.(C) 9406/2024, CM APPL. 38616/2024 & 38617/2024**

JITENDER

.....Petitioner

Through: Mr.Nishant Das and Ms.Aartrayi Das,
Advs.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr.Badar Mahmood, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **11.07.2024**

1. The petitioner is aggrieved by the show cause notice dated 13.05.2024 and has therefore, prayed for the following reliefs:-

"(i) Issue a writ/order directing the Respondent to immediately stay the demolition of the subject property until the disposal of the Appeal filed by the Petitioner before the ATMCD against the Show Cause Notice dated 13.05.2024 and the Demolition Order (Annexure P-1 (Colly)) issued by the Respondent.

(ii) Pass such other and further order or directions as this Hon'ble Court may deem fit ,just, proper in the facts and circumstances of the present petition and in the interest of justice"

2. Admittedly, against impugned action, the remedy of appeal does lie before the Appellate Tribunal-Municipal Corporation of Delhi (MCD) under the Delhi Municipal Corporation Act, 1957.

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 Appellate Tribunal-MCD once the Tribunal becomes functional.

(ii) The Appellate Tribunal-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 applications.

PURUSHAINDR KUMAR KAURAV, J

JULY 11, 2024/MJ