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

+ **W.P.(C) 9407/2024 , CM APPLs. 38618/2024 & 38619/2024**

SHISHUPAL CHAUHAN

.....Petitioner

Through: Mr.Manoj Kumar and Mr.Ajay
Sharma, Advs.

versus

MUNCIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr.Umang Tyagi, ASC for MCD
with Ms.Aditi Kapur, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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11.07.2024

1. The petitioner is aggrieved by the order dated 14.05.2024 and has therefore, prayed for the following reliefs:-

"(i) Issue a writ in the nature of mandamus thereby restraining the officials of the respondent from taking any demolition/coercive action in respect of property bearing Khasra No. 19/4/1, A-1 Block, Sant Nagar Extension, Burari, Delhi-110084 in pursuance of Demolition Order dated 14.05.2024, passed by Sh. Mohd Firoz Khan, Asstt. Engineer (B), Civil Lines Zone, MCD till the Hon'ble ATMCD resumes functioning and the stay application as filed by the petitioner alongwith his appeal is heard/adjudicated by the Hon'ble ATMCD, in the interest of justice.

Pass any other or further order which this Hon'ble Court may deem fit and proper under the facts and circumstance of the case may also be passed in favour of the petitioner and against the Respondent, in the interest of justice."

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 the 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 applications.

PURUSHAINdra KUMAR KAURAV, J

JULY 11, 2024/MJ