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

+ **W.P.(C) 9494/2024**

ANJALI

.....Petitioner

Through: Mr. Gagan Kumar Singhal, Adv

versus

MUNICIPAL CORPORATION OF DELHIRespondent

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

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **12.07.2024**

CM APPL. 38956/2024 (Ex.)

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

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3. The petitioner in the instant petitions has prayed for the following reliefs:-

" 1. Issue a Writ of the nature of Mandamus or any other Writ, Order and/ or Direction thereby: -

a. restraining the respondent from taking any coercive action against the petitioner till such time appeal under Section 343 bearing registration number 475/2024, is taken up for hearing before the Appellate Tribunal, Municipal Corporation, Delhi, Tis Hazari Courts, Delhi;

b. Quash/set aside the Demolition Order dated 03.07.2024 with respect to property bearing no. A-4/373, NAND NAGRI, DELHI-110093;

c. Restrain the respondent from executing demolition program, in the interest of justice"



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

5. 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.

6. Issue notice.

7. Learned counsel accepts notice on behalf of the respondent-MCD.

8. Since the matter relates to demolition/sealing and coercive steps to be taken against the petitioner, the petitioner is statutorily entitled to take remedy of appeal and to get its grievance redressed.

9. However, it is seen that as of now, the remedy available to the petitioner is not efficacious.

10. Under the aforesaid circumstances, this Court deems it appropriate to protect the interest of the petitioner till the appeal/ stay application filed by the petitioner is disposed of.

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

(iv) Let the appeal filed by the petitioner be taken up for consideration by the Appellate Tribunal-MCD once the Tribunal becomes functional as expeditiously as possible.

(v) The Appellate Tribunal-MCD is directed to deal with the application for interim relief on an early date.

(vi) Till the application is disposed of, the respondent is directed to maintain the *status quo* as on date.



12. The instant writ petition stands disposed of.
13. Needless to state that in the meantime, the petitioners are also restrained to alter the structure in question and they shall abide by any of the directions to be passed by said authority. The Court has not commented on the merit or otherwise of the matter.
14. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J

JULY 12, 2024/P