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

+ **W.P.(C) 9547/2024**

SHRI JAGDEEP SINGH SABHARWALPetitioner

Through: Mr. Ankit Jain, Ms. Alka Chojar, Ms.
Neha Jain, Mr. Aditya Chauhan and
Mr. Aashish Chojar, Advocates

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Pritish Sabharwal, Advocate

+ **W.P.(C) 9557/2024 & CM APPLs. 39187-88/2024**

SHRI JAGDEEP SINGH SABHARWALPetitioner

Through: Mr. Ankit Jain, Ms. Alka Chojar, Ms.
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versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Pritish Sabharwal, Advocate

CORAM:

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

ORDER

15.07.2024

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CM APPL 39148/2024 (Exemption) in W.P.(C) 9547/2024

Allowed, subject to all just exceptions.

The application stand disposed of.



W.P.(C) 9547/2024 & CM APPL 39147/2024

W.P.(C) 9557/2024 & CM APPLs. 39187-88/2024

1. These two writ petitions relate to same property; one is with respect to the revocation of sanctioned plan and another is with respect to the rejection of regularisation application.
2. Since the property in question remains the same, therefore, both the petitions are taken up for hearing together.
3. Learned counsel appearing on behalf of the petitioner submits that against both the impugned actions the remedy would lie before the Appellate Tribunal-MCD under the provisions of Delhi Municipal Corporation Act, 1957 (hereinafter 'DMC Act, 1957'). He, however, submits that since the Presiding Officer of the Appellate Tribunal-MCD is unavailable, the said remedy is not efficacious as of now. He further submits that the petitioner has already filed respective appeals against the impugned action before the said authority.
4. Having considered the submissions made by learned counsel appearing on behalf of the petitioner, issue notice.
5. Mr. Sabharwal, learned counsel accepts notice on behalf of the respondent-Corporation.
6. In view of the fact that the remedy which has been availed by the petitioner is not efficacious as of now, the rights and contentions of the petitioner will have to be adjudicated by the competent authority under the DMC Act, 1957.
7. Till the said adjudication takes place, further coercive steps are to be restrained. Accordingly, both the petitions stand disposed of with the following directions:-



- (i) Let the appeal so filed by the petitioner against the impugned action be taken up for consideration by the Appellate Tribunal-MCD once the said Tribunal becomes functional as expeditiously as possible.
- (ii) In any case, the application for interim relief in both the matters be decided on an early date. Till the application for grant of interim relief is disposed of by the said authority, the respondents are directed to maintain the *status quo* as on date.
- (iii) All rights and contentions are left open.
- (iv) The petitioner undertakes that he will not raise any further construction. The said undertaking is taken on record.

PURUSHAINDR KUMAR KAURAV, J

JULY 15, 2024

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