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

+ W.P.(C) 9551/2024, CM APPL. 39178/2024

SH. RAVI KANT SHARMA & ORS.

.....Petitioner

Through: Mr. Mohit Chaudhary, Mr. Kunal,  
Mr. Aashish Arya, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondent

Through: Mr. Aditi Saraswat, Mr. Jawahar  
Raja, Adv.  
Mr. Ayush Gupta, Adv.

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+ W.P.(C) 10727/2024, CM APPL. 44156/2024, CM APPL.  
51095/2024

KUSUM GUPTA & ANR.

.....Petitioner

Through: Mr. Abhishek Saxena, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Ajay Arora, Mr. Kapil Dutta,  
Adv.

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+ W.P.(C) 10521/2024, CM APPL. 43244/2024

ACTIVE DEALERS PVT LTD

.....Petitioner

Through: Ms. Purna Chaturvedi, Adv

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Ashutosh Gupta, Adv.



**CORAM:**

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

**ORDER**

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**11.09.2024**

1. These three writ petitions relates to property situated at Bangalow No.1, 45, Mall Road, Delhi, 110054. The Court, while entertaining the instant writ petition, on 15.07.2024, directed the respondents to place on record the status report.

2. It is to be noted that in one of the writ petitions, that is W.P.(C) 10521/2024, on 31.07.2024, the Court has considered the prayer for grant of interim relief and following order came to be passed:-

*“3.Learned counsel appearing for the petitioner, besides various submissions on merit, asserts that the application for regularisation of the construction in question is pending with the respondent-Corporation. He, therefore, submits that he has already availed the alternate remedy with respect to the impugned action.*

*4. Since the Appellate Tribunal-Municipal Corporation of Delhi [“AT-MCD”] is not functional, therefore, he seeks for interim relief till his application for regularisation is considered, once the AT-MCD becomes functional.*

*5.He also places reliance on the decision of this Court in W.P.(C) 3637/2013 to indicate that under similar circumstances, the Court has considered the recourse which has been resorted to in the instant case.*

*6. Learned counsel appearing for the respondent-Corporation strongly opposed the submissions and he submits that the revocation order dated 29.05.2024 would unequivocally show that the architect Mr. Rohit Bisht, got sanction of the building plan for 290.278 sqm. out of 1719 sq. Yard plot under SARAL scheme. According to learned counsel, such recourse was completely impermissible in law unless the respondent-Corporation was given to understand that the entire area is 1719 sq. yard. The permission for construction over 290.278 sqm. could not have been granted. While justifying the impugned action, he, therefore, submits that the building in question apparently is illegal and unauthorised.*



*7. At this stage, learned counsel appearing for the proposed intervenor submits that he has filed an application opposing the instant writ petition. Although the application is not on record, the Court deems it appropriate to allow the prayer for impleadment.*

*8. Let Mr. Ravi Kant Sharma be impleaded as a party.*

*9. Let amended memo of parties be filed within two working days.*

*10. Let the respondent-Corporation to also file its counter affidavit to the main writ petition. The intervenor is also granted permission to do the same.*

*11. Till the matter is further heard, status quo with respect to the property in question be maintained.*

*12. List on 07.08.2024.”*

2. When these writ petitions are called out for hearing, learned counsel appearing for the respective parties submit that in interregnum, the Appellate Tribunal- Municipal Corporation of Delhi (AT-MCD) has become functional. It is also admitted by the parties herein that the remedy to the grievance raised in the instant writ petition would lie before the AT-MCD.

3. In view of the aforesaid, the Court, relegates the petitioners to approach the AT-MCD. Let the parties to approach the AT-MCD, if not already approached, within 15 days from today.

4. The parties shall also be at liberty to file an appropriate application for grant of interim protection. Till the application for grant of interim protection is considered by the AT-MCD, the order dated 31.07.2024 passed by this court in W.P.(C) 10521/2024 shall remain in force with respect to all three writ petitions . All rights and contentions are left open.

**PURUSHAINdra KUMAR KAURAV, J**  
**SEPTEMBER 11, 2024/KG**