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

+ **W.P.(C) 10382/2024 CM APPL. 42650/2024**

AMIT KUMAR & ANR.

.....Petitioner

Through: Mr. Rajat Mathur, Adv.

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER**

.....Respondent

**Through: Mr. Tushar Sannu, Standing Counsel
for the MCD with Mr. Nanoviraj
Singh and Mr. Shobha Sachdeva,
Advs.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% 29.07.2024

CM APPL. 42651/2024

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CM APPL. 42594/2024 STAY DEMOLITION

1. The petitioners earlier have approached this court in disposed of Writ Petition No. 8764/2024 by way of CM APPL 40743/2024 and the court declined to entertain this application. However, liberty was granted to the petitioner to take appropriate recourse in accordance with law.

2. Learned counsel appearing for the petitioner submits that since the liberty was reserved in favour of the petitioner therefore, he has filed this substantive Writ Petition for extension of stay which was operating till



05.07.2024 in terms of the order dated 28.06.2024 passed by this court in W.P. (C) No. 8764/2024. The court has failed to understand as to on what basis the petitioner is taking such a position.

3. The court was aware of the fact at the time of disposing of application CM APPL 40743/2024 as sought to be argued. The petitioner was unable to show the sanction plan to sustain the construction and accordingly, no interference was made in CM APPL 40743/2014. The court in Writ Petition no. 8764/2024 as also in CM APPL no.40743/2024 was exercising only Article 226 of the Constitution of India. In the instant Writ Petition as well, the petitioner has sought for invocation of Article 226, therefore, the submission made by the petitioner is completely misconceived that the present is an appropriate remedy.

4. The instant petition is therefore misconceived and the same is accordingly dismissed with a Cost of Rs.10,000/- to be deposited in A/c No. 0620000101639462 IFSC CODE PUNB0062000, Bank Name- Punjab National Bank, A/c Holder name- Arpana, DL7944.

PURUSHAINdra KUMAR KAURAV, J

JULY 29, 2024/KG