



\$~114

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

+ **W.P.(C) 10443/2024**

**UDHAM SINGH**

.....Petitioner

Through: **Mr. Manas Tripathi, Adv.**

versus

**MUNICIPAL CORPORATION OF DELHI & ANR.**

.....Respondents

Through: **Ms. Shilpa Ohri, ASC for R-1/MCD  
Mr. Abhinav Singh and Mr. Praveen  
Kumar Kaushik, Advs. for R-2**

**CORAM:**

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

**ORDER**  
**30.07.2024**

%

**CM APPL 43001/2024 (Exemption)**

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

**W.P.(C) 10443/2024 & CM APPL 43000/2024**

1. In the instant petition, the Court takes note of the order dated 23.02.2024 passed in W.P.(C) 2763/2024, wherein, the petitioner withdrew his writ petition with liberty to file an appropriate application before the Appellate Tribunal-MCD (AT-MCD). With the aforesaid liberty, the earlier writ petition was allowed to be withdrawn.



2. It is also noted that in the earlier withdrawn writ petition, the Court did not grant any interim protection to the petitioner pending the consideration of his appeal by the AT-MCD. Learned counsel for the petitioner, however, submits that although the petitioner has filed an appeal before the AT-MCD, the same has not been considered on account of absence of the Presiding Officer at the AT-MCD. It is pertinent to observe that the petitioner filed the appeal on 29.02.2024 i.e., at the time when the Presiding Officer was available and the AT-MCD was functional. The subsequent hearing was adjourned to 05.03.2024.
3. It is evident that if the petitioner had any grievance concerning the demolition action, the appropriate course of action would have been to seek interim protection while the Presiding Officer was available and the order was being passed on 29.02.2024.
4. In light of the foregoing circumstances, the Court is not inclined to issue any directions to stay the demolition action.
5. The petition is accordingly dismissed along with pending application.

**PURUSHAINdra KUMAR KAURAV, J**

**JULY 30, 2024**

*p'ma*