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

+ **W.P.(C) 16151/2023**

NITISH JAISWAL

..... Petitioner

Through: Mr. Lovkesh Sawhney, Sr. Adv.
alongwith Mr. R. K. Tarun, Mr. M. P.
Singh and Ms. Aditi Shivadhatri,
Advs.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Mr. Sunil Goyal, ASC alongwith Ms.
Pooja Joshi, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

15.02.2024

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CM APPL. 9398/2024 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL. 9384/2024 (Stay)

1. The present petition was disposed of *vide* order dated 14.12.2023 with the following directions :-

“a. A copy of the show cause notice with regard to demolition of the property has been handed over by learned counsel for the MCD to learned counsel for the petitioner in Court today. Although the show cause notice provides for a period of three days for submitting the reply, Mr. Sawhney submits that Section 343(1) of the Act, statutorily provides for a notice of not less than five days. The petitioner may respond to the show cause by 20.12.2023 and may also make an application for regularisation within the same period.

b. MCD will consider the reply and the application for regularization



in accordance with law and pass necessary orders by 03.01.2024. The orders passed by MCD will be served upon the petitioner, additionally through learned counsel on record for the petitioner in this writ petition.

- c. In the event, the orders are adverse to the petitioner, the petitioner will be at liberty to exercise his statutory remedies of appeal against the said order.*
- d. In order to enable this process to be carried out, MCD is directed to maintain status quo with regard the petitioner's property until 10.01.2024. The parties will thereafter be governed by interim orders passed by Appellate Tribunal for Municipal Corporation of Delhi, if any."*

2. According to the petitioner, the aforesaid directions have not been complied with inasmuch as the petitioner's application for regularization has not been decided in terms thereof; although, a sanction plan has been issued on 02.01.2024.

3. On the other hand, learned counsel for the MCD submits that the petitioner has not yet responded to the show cause notice.

4. Be that as it may, it is directed that last opportunity is granted to the petitioner to respond to the show cause notice by 22.02.2024. The said reply/response shall be considered by the MCD and appropriate order/s shall be passed by the MCD thereafter including order(s) on the application for regularization filed by the petitioner. The said order shall be passed on or before 04.03.2024. The said order shall be duly communicated to the petitioner. In case the petitioner is aggrieved thereby, it shall be at liberty to avail appropriate remedy, in accordance with law.

5. As contemplated in the order dated 14.12.2023, the MCD is directed to maintain *status quo* till completion of the aforesaid exercise.

6. In case any demolition action is proposed to be carried out after



completion of the aforesaid exercise, at least 05 working days prior notice shall be given to the petitioner by the respondent.

7. With the aforesaid directions, the present application stands disposed of.

FEBRUARY 15, 2024/r

SACHIN DATTA, J