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

+ **W.P.(C) 11875/2024 & CM APPLs. 49391-92/2024**

RAKESH GUPTA

.....Petitioner

Through: Mr. Saurabh S. Sinha, Adv.

Versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Ms. Tajinder Viridi, SC for MCD

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

29.08.2024

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1. The petitioner seeks to challenge the Show Cause Notice dated 16.10.2023 and the consequential order of sealing dated 15.03.2024, which is stated to have been served on the petitioner on 27.03.2024. Admittedly, there is an alternate remedy available against the order of sealing before the AT-MCD, which the petitioner has not availed.
2. Learned counsel appearing on behalf of the petitioner contends that this Court should entertain the instant writ petition, as the facts of the instant case would clearly demonstrate that the action taken by the respondents is completely *dehors* the governing regulations.
3. The concerned Tribunal is well within its jurisdiction to deal with the aforesaid aspects as well as to whether this is violation of the governing rules and regulations. The stated reason alone cannot be the sole criterion to entertain the instant petition without availing the alternative remedy under



the facts of the instant case. The Court is, therefore, unable to accept the aforesaid submissions and, instead, directs the petitioner to pursue the alternate remedy by approaching the Appellate Tribunal -MCD.

4. Learned counsel for the petitioner submits that the concerned Tribunal may be directed to decide the petitioner's application for interim relief as expeditiously as possible in light of the fact that the building is only half constructed.

5. Considering the nature of the controversy and the prayer made by learned counsel for the petitioner, the Court directs that in case the petitioner files an appeal before the AT-MCD within one week, the application for stay be considered as expeditiously as possible within a period of 15 days thereafter.

6. With the aforesaid observations, the petition stands disposed of alongwith pending applications. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J.

AUGUST 29, 2024

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