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

+ **W.P.(C) 12304/2024, CM APPL. 51164/2024**

MUKESH KUMAR @ MUKESH GOYALPetitioner

Through: **Mr. Rituraj Biswas, Mr. Murari
Kumar Singh, Advs.**

versus

**MUNICIPAL CORPORATION OF DELHI (CITY SP ZONE) &
ANR.**Respondent

Through: **Mr. Abhinav Shukla, Mr. Mahender
Shukla, Advs.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

04.09.2024

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1. The petitioner in the instant petition seeks for de-sealing and regularisation of his subject property.
2. There is an alternate remedy against the order dated 08.04.2024 passed by the Municipal Corporation of Delhi (MCD), in terms of the Delhi Municipal Corporation Act, 1957, to approach Appellate Tribunal-MCD.
3. Learned counsel who appears for the petitioner, however, submits that the subsequent order i.e., order dated 09.08.2024 has been passed by the respondents, pursuant to directions passed by this Court in Contempt Case no.653/2024 dated 23.04.2024, and according to him, under almost similar circumstances, this Court has earlier protected the rights of the petitioner. He further submits that till the matter is decided by the AT-MCD, the Court



may protect the rights of the petitioner while directing the de-sealing of the shop in question.

4. I have considered the submissions made by learned counsel appearing on behalf of the petitioner.

5. In view of the fact that there is an equally efficacious remedy to approach the AT-MCD, at this stage, the Court is not inclined to entertain the instant writ petition and also not to pass any interim order.

6. Once the petitioner approaches the AT-MCD, he is entitled to file an appropriate application for interim directions. If the petitioner does so, the Court has no doubt that the AT-MCD shall consider such application in accordance with law. In case the grievance of the petitioner is not redressed, the petitioner will be entitled to take further recourse in accordance with law.

7. Leaving all rights and contentions open, let the petitioner to approach the AT-MCD, including to make a request for passing of interim order(s).

8. With the aforesaid liberty, petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 4, 2024/KG