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

+ **W.P.(C) 315/2024 and CM APPL.1470/2024**

MOHD IRFAN

..... Petitioner

Through: **Mr. Shaad Anwar and Ms. Shabnam,**
Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR....Respondents

Through: **Mr. Abhinav Sharma, Adv. (through**
v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

11.01.2024

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1. The present petition has been filed by the petitioner who claims to be the owner of property bearing no.8172, third floor (II Part) Chimni Mill, Bara Hindu Rao, Delhi-110006.
2. By way of the present petition, the petitioner is assailing the vacation notice dated 12.12.2023 and show cause notice under Section 345-A of DMC Act dated 15.12.2023, issued by Deputy Commissioner, MCD, City Sp Zone Kashmere Gate, Delhi-110006, whereby the petitioner was directed to demolish unauthorized construction being carried in the property.
3. Learned counsel for the respondent, who appears on advance notice submits that the petitioner has the remedy of filling an appeal before ATMCD, seeking appropriate relief/s qua the action proposed to be taken with regard to the property in question. This is not controverted by learned counsel for the petitioner.
4. Accordingly, the present petition is disposed of with liberty to the



petitioner to initiate appropriate proceedings before the ATMCD, which shall be decided in accordance with law.

5. In the interregnum, no precipitative steps/coercive actions shall be taken by the respondent against the petitioner for a period of one week from today. It shall be open for the ATMCD to consider whether any interim relief is warranted beyond the aforesaid period of one week. It is made clear that this court has not expressed any opinion on the merits of the submissions sought to be urged by the petitioner.

SACHIN DATTA, J

JANUARY 11, 2024/cl