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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12463/2024**
MOHD. SHAHVEZPetitioner

Through: Mr. M. Hasibuddin, Adv.
versus

MUNICIPAL CORPORATION OF DELHIRespondent
Through: Mr. Sunil Goyal, ASC for MCD

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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06.09.2024

CM APPL 51882/2024 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 12463/2024

1. By the impugned order, the Corporation has denied any de-sealing of the shop in question. The impugned order in the instant petition appears to have been passed by the respondent-Corporation in compliance of order dated 09.04.2022 passed by this Court in W.P.(C) 5208/2024, wherein, the Court directed the respondents to provide the petitioner an opportunity of hearing and to pass a speaking order deciding the representation. The relevant portion of the above referred order is culled out below for reference:-

“4. After some hearing, learned counsel for the petitioner confines himself to seeking that the representation submitted by the petitioner on 05.03.2024 to the concerned Deputy Commissioner, Central Zone, MCD for de-sealing of the shop in question be duly considered by the respondent no.1/MCD after affording an opportunity of hearing to the petitioner. It is directed accordingly. Let the respondent/MCD consider the said representation dated 05.03.2024 of the petitioner and pass a



speaking order thereon after affording an opportunity of hearing to the petitioner.

5. No further relief is sought by the petitioner in the present petition and the same is accordingly disposed of.”

2. If the petitioner is of the opinion that the speaking order passed by the respondent-Corporation, impugned in the instant petition, is adverse to the petitioner, the learned counsel for the respondent-MCD points out that the appropriate recourse is to approach the Appellate Authority-MCD under Section 343(2) of the Delhi Municipal Corporation Act, 1957. The referred provision reads as under:-

“343. Order of demolition and stoppage of buildings and works in certain cases and appeal.—

(2) Any person aggrieved by an order of the Commissioner made under sub-section (1) may prefer an appeal against the order to 1 [the Appellate Tribunal] within the period specified in the order for the demolition of the erection or work to which it relates.”

3. Reserving such liberty in favour of the petitioner, the instant petition stands disposed of. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J.

SEPTEMBER 6, 2024

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