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

+ **W.P.(C) 12735/2024 & CM APPL. 53079/2024**

VIPIN GUPTA & ORS.

.....Petitioners

Through: Appearance not given.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Tushar Sannu, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% 18.09.2024

1. This Court, *vide* order dated 11.09.2024, has recorded the contention raised by the petitioner, who stated that the order of demolition was never served on the petitioner.
2. Today, when the matter is called out, learned counsel appearing for the petitioners submits that in interregnum, the order of demolition dated 03.01.2024 came to be served on the petitioner and against the said demolition order, the petitioner has a remedy to challenge before the Appellate Tribunal-Municipal Corporation of Delhi [**“AT-MCD”**].
3. He, therefore, submits that he may be granted liberty to challenge the order dated 03.01.2024 and to take necessary recourse before the AT-MCD.
4. Learned counsel appearing for the respondent-Corporation, however, asserts that the said demolition order was immediately served upon the petitioner. He, therefore, submits that the petitioner, despite the service of



notice, did not take any steps.

5. The aforesaid aspect is left open to be considered by the appropriate authority as and when the same is raised.

6. Accordingly, the petitioner prays for liberty to withdraw the instant petition.

7. The Court, therefore, allows the petitioner to withdraw the instant writ petition with liberty so prayed for.

8. The order passed by this Court dated 11.09.2024 had restrained the respondents from taking any coercive steps with respect to the property in question.

9. In view of the aforesaid, let the petitioner to file an appeal before the AT-MCD within seven days. Upon such appeal being filed, till the prayer for interim relief is considered by the AT-MCD, the order dated 11.09.2024, which restrained the respondents from taking any coercive steps, shall remain in force.

PURUSHAINDR KUMAR KAURAV, J

SEPTEMBER 18, 2024/p