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

+ W.P.(C) 12902/2024  
SAMARTH SAXENA

.....Petitioner

Through: Mr. Thakur Sumit, Mr. Gaurav P.,  
Mr. Afaq, Advocates.

versus

MUNICIPAL CORPORATION  
OF DELHI & ORS.

.....Respondents

Through: Mr. Ajay Arora, Mr. Kapil Dutta,  
Mr. Nitish Dubey, Advocate for  
MCD.  
Mr. Ishaan S. Sharma, Advocate  
for R-2.  
Mr. Aditya Raj, Mr. Pratham  
Diwakar, Advocates for R-4.

**CORAM:**  
**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**11.11.2024**

**CM APPL. 65750/2024 (for direction) & W.P.(C) 12902/2024**

1. The petitioner's grievance in this writ petition is directed against a No Objection Certificate ["NOC"] dated 19.06.2024, by which the Municipal Corporation of Delhi ["MCD"] has granted a NOC for installation of a lift and connecting bridge in *DDA Flat Nos. 192 to 194, Block – B, Sheikh Sarai, Phase – I, New Delhi* ["subject property"].
2. The petitioner is the resident of Flat Nos. 192 & 193 at subject property.
3. The proceedings have been listed today for consideration of an



application filed by the writ petitioner. However, in the course of hearing, learned counsel for the petitioner, seeks permission to withdraw the writ petition with liberty approach the Appellate Tribunal for the MCD [“ATMCD”] to challenge the impugned NOC. This request is made in light of the order of this Court in *Sudha Ramanathan v. Municipal Corporation of Delhi (MCD) and Anr.* [order dated 08.12.2023 in W.P. (C) 15788/2023].

4. Having regard to the above, the writ petition is taken on Board, with the consent of learned counsel for the parties, and is dismissed as withdrawn with liberty as aforesaid. All pending applications also stand dismissed.

5. The petitioner may seek the benefit of Section 14 of the Limitation Act, 1963, in the proposed appeal, which the ATMCD is requested to consider in accordance with law.

6. The next date of hearing i.e. 31.01.2025 stands cancelled.

7. All rights and contentions of the parties are reserved for consideration in appropriate proceedings.

**PRATEEK JALAN, J**

**NOVEMBER 11, 2024**

*‘Bhupi’/*