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

+ **W.P.(C) 13150/2024 & CM APPL. 55484/2024**

VIJAY KUMAR SHARMA

.....Petitioner

Through: Mr.Nitish Chaudhary and Mr.Shaurya
Aditya Singh, Mr.Devanshu Chauhan
and Ms. Parul Sharma, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORSRespondents

Through: Mr. Arjun Mahajan and Ms.Neha Rai,
Advs for MCD.
Mr. Abhishek Yadav, SPC for UOI
with Mr.Rohit Yadav.
Mr. Vasuchit Anand, GP for UOI.
Mr. Mayank Sapra and Ms. Lalia Das,
Advs for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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24.09.2024

1. On 19.09.2024, in W.P.(C) 13150/2024, the Court directed for issuance of notice and the respondent-MCD's statement was taken on record that they are contemplating necessary action in pursuance of the grievance raised in the instant writ petition.
2. While hearing on CM APPL. 55484/2024, the Court, on 20.09.2024, directed the parties to maintain the *status quo* while issuing notice to all other parties. Such direction was necessitated as the respondent-MCD had scheduled to demolish respondent no.3's property on 21.09.2024.
3. Today, when the matter is called out, the Court has considered the issue involved in the instant writ petition, which indicates that the petition



was for the directions to respondent no.1 and 2 to prevent any further unauthorised and unlawful construction at Flat No. 8296, Sector-C, Pocket-8, Vasant Kunj, New Delhi – 110070.

4. In the considered opinion of this Court, the grievance raised in the present case can be agitated before the Appellate Tribunal - Municipal Corporation of Delhi (AT-MCD). Since there is equally efficacious alternate remedy to challenge the impugned action which has been initiated by the respondent-MCD, the Court declines to pass any further directions. However, liberty is granted to respondent no.3 to take necessary recourse in accordance with law.

5. Keeping in mind the fact that the Court has already restrained the respondent-MCD *vide* order dated 20.09.2024 from taking any further action, the said direction shall remain in force for a period of 10 days from today to enable respondent no.3 to avail the appropriate remedy. Further action by the Corporation shall remain subject to orders to be passed by the AT-MCD. In case, the petitioner has any further grievance after conclusion of the proceedings before the AT-MCD, he shall be at liberty to approach the Special Task Force (STF) in accordance with law.

6. All rights and contentions with respect to the grievance raised by respondent no.3 are left open.

7. Accordingly, the instant writ petition along with pending application stands disposed of.

8. The date already fixed i.e. 23.10.2024 stands cancelled.

PURUSHAINdra KUMAR KAURAV, J
SEPTEMBER 24, 2024/MJ