



\$~41

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

+ **W.P.(C) 13622/2024**

PRIYANKA MALHOTRA & ORS.Petitioners

Through: Mr. Siddharth Shankar & Mr.
Sharique Ajmal, Advocates. [M:-
9990855623]

versus

**MUNICIPAL CORPORATION
OF DELHI & ORS.**Respondents

Through: Mr. Arjun Mahajan, SC for MCD.

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

ORDER
27.09.2024

%

CM APPL. 57012/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 13622/2024 & CM APPL. 57011/2024 (for stay)

1. The petitioners have filed this petition assailing a notice dated 18.09.2024 ["the impugned notice"] passed by Municipal Corporation of Delhi ["MCD"] under Section 349 of the Delhi Municipal Corporation Act, 1957 ["the Act"], by which the petitioners have been directed to vacate the subject property [WZ-86, Dayal Sir Road, Uttam Nagar, New Delhi-110059].

2. Mr. Arjun Mahajan, learned Standing Counsel for the MCD, who



appears on advance notice, submits that the impugned notice has been served upon the petitioners in order to implement demolition orders dated 07.09.2022 and 07.10.2022 [“the demolition orders”]. Although Mr. Mahajan was granted a passover to demonstrate service of the demolition orders upon the owner/occupants of the property, MCD has not been able to produce the record of service at this stage. Copies of the demolition orders have been handed over by Mr. Mahajan to Mr. Siddharth Shankar, learned counsel for the petitioner, in Court.

3. The impugned notice has admittedly been issued pursuant to the demolition orders. The demolition orders are appealable under Section 347B of the Act.

4. The writ petition is therefore disposed of, with a direction that the petitioners may take statutory remedies available against the demolition orders. The rights and contentions of the parties with regard to service of the demolition orders, and consequent arguments on delay in the appeal, may also be considered by the Appellate Tribunal for MCD [“ATMCD”]. It is made clear that this Court has not adjudicated the rights and contentions of the parties on merits, even on a *prima facie* basis.

5. In order to give the petitioners an opportunity to assail the orders before the ATMCD, MCD is directed not to take any further action under the demolition orders or the impugned notice for a period of 10 days from today.

6. Mr. Mahajan is requested to communicate this order to the concerned officer, as Mr. Shankar states that MCD team is at the subject property at the present moment.

7. The present petition, alongwith the pending applications, is



disposed of in the aforesaid terms.

8. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

SEPTEMBER 27, 2024

'pv' /