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

+ W.P.(C) 14216/2024
NIPUN CHHABRA

.....Petitioner

Through: Dr. Amit George, Mr. Sahil Garg,
Mr. Abhinav Jain, Mr. M.
Malhotra, Advocates.

versus

MUNICIPAL CORPORATION OF
DELHI

.....Respondent

Through: Mr. Ashutosh Gupta, ASC for
MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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07.10.2024

CM APPL. 59440/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 14216/2024 & CM APPL. 59439/2024 (for ex-parte ad-interim relief)

1. By way of this petition under Article 226 of the Constitution, the petitioner seeks a direction upon the Municipal Corporation of Delhi ["MCD"] not to initiate any coercive action in terms of a demolition order dated 22.02.2024 passed by the MCD, in respect of the petitioner's property [*Farm No. 1, 12 Petals, Samalkha, Revenue Estate, Rajokri to Kapashera Road, New Delhi*].

2. I am informed that the petitioner has filed Appeal No. 790/2024



against the aforesaid order, which is pending before the Appellate Tribunal for the MCD [“ATMCD”]. MCD has taken various objections as to the maintainability of the said appeal, including on the ground of limitation and on the ground that the petitioner had earlier filed an appeal against the same demolition order [Appeal No. 268/2024], which was dismissed as withdrawn on 06.05.2024.

3. Be that as it may, it is undisputed that Appeal No. 790/2024 remains pending before the ATMCD and that the petitioner has also sought a stay of demolition. An application for early hearing of the appeal and stay application are stated to be scheduled for hearing before the ATMCD tomorrow.

4. Mr. Ashutosh Gupta, learned counsel for MCD, states that MCD will not oppose the application for early hearing. He also states that the MCD will not take coercive action against the petitioner’s property until the ATMCD has had an opportunity to consider the stay application filed by the petitioner.

5. In view of the above, the writ petition is disposed of with the direction that the petitioner’s appeal and application for stay be taken up for hearing before the ATMCD tomorrow. Any further action to be taken by the MCD shall be in terms of the orders of the ATMCD. In the event the ATMCD is unable to take up the matter tomorrow for any reason, it is directed to fix a date at its earliest convenience, at least for the consideration of *ad-interim* orders on the petitioner’s stay application.

6. All rights and contentions of the parties, including with regard to the maintainability of the appeal, are left open for consideration by the ATMCD.



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

OCTOBER 7, 2024
'Bhupi' /

PRATEEK JALAN, J