



\$~102 & 103

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

+ **W.P.(C) 14952/2024**
SURENDER SINGH

.....Petitioner

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

+ **W.P.(C) 15000/2024**
NARESH KUMAR AND ORS

.....Petitioners

versus

**MUNICIPAL CORPORATION OF
DELHI AND ORS**

.....Respondents

Appearance:-

Ms. Anusuya Salwan, Mr. Bankim Garg, Ms. Nikita Salwan, Mr. Rachit Wadhwa & Ms. Sonika Singh, Advocates for Petitioner in Item No. 102.

Mr. Talha Abdul Rahman, Mr. M. Shaz Khan, Mr. Sudhanshu Tewari & Mr. Faizan Ahmed, Advocates for Petitioners in Item No. 103. [M:-9936084176]

Mr. Sanjeev Sabharwal, Standing Counsel for Ms. Shweta Singh, Advocate for MCD in Item Nos. 102 & 103.

Mr. Arjun Mahajan, Standing Counsel for DDA in Item No. 103.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.10.2024

CM APPL. 62723/2024(for exemption) in W.P.(C) 14952/2024

CM APPL. 62855/2024(for exemption) in W.P.(C) 15000/2024

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.



W.P.(C) 14952/2024 & CM APPL. 62722/2024
W.P.(C) 15000/2024 & CM APPL. 62854/2024

1. These petitions have been filed in respect of demolition orders and vacation notices issued by Municipal Corporation of Delhi [“MCD”] in respect of premises *P. No. WZ-39, Village Dasghara, Delhi-110012*. The petitions have been listed today upon urgent mentioning before Hon’ble the Chief Justice.

2. I am informed that several structures exist on premises No. *WZ-39, Village Dasghara, Delhi-110012*, in respect of which separate notices/orders have been issued.

3. In W.P.(C) 14952/2024, the three demolition orders are dated 09.01.2024 and 11.01.2024. The said demolition orders were issued pursuant to show cause notices dated 07.07.2023, to which the petitioner has also replied.

4. In W.P.(C) 15000/2024, the petitioners assail vacation notices dated 20.09.2024, all of which make reference to demolition orders. In this case also, show cause notices dated 07.07.2023 have been annexed to the writ petition, to which the petitioners have responded. Mr. Talha Abdul Rahman, learned counsel for petitioners in W.P.(C) 15000/2024, submits that orders of demolition referred to in the vacation notices have not been served upon the petitioners. Mr. Sanjeev Sabharwal, learned Standing Counsel for MCD, who appears on advance notice, however, submits that all demolition orders were duly served upon the petitioners in both matters.

5. The demolition orders are assailable before the Appellate Tribunal for Municipal Corporation of Delhi [“ATMCD”], under Section 347B of



the Delhi Municipal Corporation of Delhi, 1957 [“Act”]. In view of the fact that an appellate remedy is provided, I am of the view that the appropriate course of action is to relegate the petitioners to their remedies before the ATMCD.

6. Mr. Sabharwal submits that any appeal would now be much beyond the period of limitation provided in the Act. In this connection, suffice it to say the petitioners are also entitled to apply for condonation of delay before the ATMCD. It is made clear that this Court has not made any comment upon the merits of the matters, and the question of limitation is also left open for adjudication by the ATMCD.

7. Without prejudice to Mr. Sabharwal’s contention that the demolition orders were already served upon the petitioners in W.P.(C) 15000/2024, he is directed to forward a copy of the said orders to learned counsel for the petitioners in the course of the day to enable the petitioners to take their appellate remedies.

8. In order to enable ATMCD to consider the matter, Mr. Sabharwal states that MCD will not take any coercive action until 27.10.2024.

9. The petitions are disposed of with the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 23, 2024

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