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

+ LPA 1159/2024 & CM APPL. 69268/2024 (Addl. Document)
& CM APPL. 69270/2024 (Long Synopsis & List of Dates)

ATUL SHARMA

.....Appellant

Through: Mr. M. Sufian Siddiqui, Mr.
Rakesh Bhugra and Md.
Niyazuddin, Advs.

versus

MUNICIPAL CORPORATION OF DELHI
& ANR.

.....Respondents

Through: Mr. Ajjay Aroraa, Mr. Kapail
Dutta and Mr. Nitish Dubey,
Advs. for MCD.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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27.11.2024

CM APPL. 69269/2024 (Ex.)

Allowed, subject to all just exceptions.

The application stands disposed of.

**LPA 1159/2024 & CM APPL. 69268/2024 (Addl. Document) &
CM APPL. 69270/2024 (Long Synopsis & List of Dates)**

1. This appeal is directed against the judgment rendered by the learned Single Judge on 11 November 2024 and in terms of which the writ petition preferred by the appellant has come to be disposed of with directions to the respondents to conclude the Show Cause Notice [“SCN”] proceedings which had been initiated.

2. The principal grievance of the writ petitioner/appellant before us is a failure on the part of the learned Single Judge to deal with prayer (c) in the W.P.(C) 15652/2024 and which reads thus: -



“(c) Issue a writ of Mandamus or any other analogous Writ, Order, or Direction commanding the Respondent No.1 (MCD) to forthwith initiate a time bound, fair and impartial inquiry under the direct supervision of the MCD Commissioner into the unlawful and inscrutable conduct of the MCD officials involved in the attempted demolition of the Appellant’s factory premises on 10.10.2024, including their active collusion with respondent no.2 herein and issuance of impugned Show Cause Notice dated: 05.11.2024 being a gross abuse of the process of law, issued in blatant disregard to the prior orders dated: 19.10.2022 passed by the AE, MCD and 25.10.2022 passed by the DC, MCD, in the previous round of litigation apropos the property in question, and consequently direct that the final inquiry report along with the action taken report be duly filed before this Hon’ble Court for judicial scrutiny and appropriate orders.”

3. In our considered opinion, the learned Single Judge has correctly desisted from retaining the writ petition for the purposes of considering relief (c) at this stage especially when the petitioner was being relegated to participate in the SCN proceedings and for that matter being decided in the first instance. It would thus be open to the appellant to canvass all issues emanating from relief (c) at an appropriate juncture.

4. We, consequently find no ground to interfere with the judgment handed down by the learned Judge. We only observe that the reliefs that were claimed in and stood comprised in clause (c) of the reliefs shall be open to be addressed subject to the outcome of the SCN proceedings.

5. The appeal shall stand disposed of on the aforesaid terms.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 27, 2024/gunn