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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17037/2024 & CM APPLs. 72181-72182/2024**

RAKESH AGGARWAL

.....Petitioner

Through: Mr. Yeeshu Jain, Ms. Jyoti Tyagi
and Mr. Vishal Maan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Manu Chaturvedi, SC for
MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

09.12.2024

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1. The petitioner has filed this petition for the following reliefs:

“i. Issue a Writ/Order/Direction thereby permitting the Petitioner to file a fresh application seeking Regularization of his property bearing No. B-6, Gulab Bagh, Uttam Nagar, New Delhi;

ii. Issue a Writ/Order/Direction in the nature of Mandamus thereby directing the Respondent to hear and decide the Regularisation Application dated 4.12.2024

iii. Issue a Writ/Order/Direction thereby directing the Respondent to not to take any coercive action qua the property bearing No. B-6, Gulab Bagh, Uttam Nagar, New Delhi and stay the operation of the demolition & sealing order dated 13.11.2024 until the disposal of the regularization application.

iv. Any other order which this Hon'ble Court may deem fit and proper.”

2. Learned counsel for the petitioner submits that, by order dated 13.11.2024, the Municipal Corporation of Delhi [“MCD”] has passed an order of demolition in respect of the petitioner’s property bearing No. B-



6, Gulab Bagh, Kiran Garden, Uttam Nagar, New Delhi. He states that the petitioner does not intend to challenge the demolition order in appellate proceedings and has instead filed an application for regularization of the compoundable deficiencies. His concern is that the regularization application has not been considered and the petitioner's property faces the threat of demolition under the order dated 13.11.2024.

3. The matter was passed over to enable Mr. Manu Chaturvedi, learned Standing Counsel for MCD, to take instructions. He states upon instructions that MCD is unable to trace the regularization application apparently filed by the petitioner. However, if the petitioner files a regularization application within a specified time, MCD will consider and communicate its decision to the petitioner.

4. Having regard to the above, with the consent of learned counsel for the parties, the petition, alongwith the pending applications, stands disposed of with the following directions:

- A. The petitioner will file a fresh regularization application with the concerned Assistant Engineer, Building Department (West) within one week from today.
- B. The application will be considered by MCD in accordance with law and the decision be communicated to the petitioner within four weeks thereafter.
- C. In the event, the order is adverse to the petitioner, the petitioner will be free to challenge it before the Appellate Tribunal for MCD.
- D. Subject to filing of the regularization application within the above time period, MCD will not take coercive action in respect of the petitioner's property until 10 days after the regularization



application is disposed of.

DECEMBER 9, 2024/MR/AL/

PRATEEK JALAN, J