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

+ **W.P.(C) 2014/2025**

**TEXTILE MARKET ASSOCIATION
KUCH KABIL ATTAR (REG.)**

.....Petitioner

Through: Mr. Tarun Khanna, Mr. Sidhant Banga, Mr. Chander Vijay Sharma, Ms. Annu Gupta, Ms. Sana Zaidi, Mr. Jai Narang and Mr. Piyush Garg, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: Mr. Vikas Chopra, Standing Counsel with Ms. Anita R. Mishra, Mr. Neeraj Kumar and Ms. Khushi, Advocates for Respondent No.1/MCD.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
17.02.2025**

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C.M. APPL. 9477/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 2014/2025 and C.M. APPL. 9476/2025

3. This writ petition is preferred on behalf of the Petitioner under Article 226 of Constitution of India seeking the following reliefs:

“(i) Issue a Writ in the nature of Mandamus directing the Respondent No. 1 to consider the application dated 18/11/2024 and 20/01/2025 filed by the petitioner and pass appropriate order(s) pertaining to permission for



carry out construction 868-869, ABOVE POONAM MARKET (UPPER PORTION FIRST FLOOR TO LAST FLOOR), KUCHA KABIL ATTAR, CHANDANI CHOWK, Delhi-110006;

(ii) Directing and restraining Respondents, their agents, labors, attorneys, assignees, representatives etc from raising any illegal and unauthorized construction over the property bearing no 868-869, ABOVE POONAM MARKET (UPPER PORTION FIRST FLOOR TO LAST FLOOR), KUCHA KABIL ATTAR, CHANDANI CHOWK, Delhi-110006, in the interest of justice until the final resolution of this Writ.

(iii) Directing the respondent no.1 to answer why unauthorized unsanctioned construction is being permitted to be carried out by the respondent no 2 AT SUBJECT SITE.

(iv) Directing RESPONDENT No. 1 to remove/demolish the entire illegal/unauthorized construction as already carried out by RESPONDENTS 2-3 in property no 868-869, ABOVE POONAM MARKET (UPPER PORTION FIRST FLOOR TO LAST FLOOR), KUCHA KABIL ATTAR, CHANDANI CHOWK, Delhi-110006, in the interest of justice.

(v) Any other Writ directing the Respondent to pass necessary order(s), permissions, etc. in accordance with the applicable rules/law;”

4. From a reading of the writ petition and the documents appended thereto, it is evident that Petitioner has already filed a civil suit bearing No. CS SCJ 2264/24, which is pending and on 16.01.2025, the Trial Court has passed the following restraint order against the private Respondents herein:

“Before parting with this order, it is pertinent to mention that prima facie the status report filed on behalf of MCD does not appear to be correct and the ad-interim stay/injunction granted vide order dated 30.11.2024 was vacated on 23.12.2024 considering the report filed by D-1/MCD. In view of the same, the ad-interim injunction dated 30.11.2024 deserves to be restored in favour of the plaintiff and defendant No.2 and 3 are restrained from carrying out any further construction activity in the suit property till the next date of hearing.”

5. Despite the pendency of the suit and a restraint order in place, Petitioner has filed this writ petition seeking the same relief. The writ petition cannot be entertained as Petitioner cannot pursue parallel remedies for the same cause of action and is accordingly dismissed. Needless to state



if the Petitioner has any grievance with respect to non-compliance of order dated 16.01.2025, it may take resort to appropriate remedies in law.

6. Pending application also stands disposed of.

JYOTI SINGH, J

FEBRUARY 17, 2025

B.S. Rohella