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

% ***Date of Decision: 22nd April, 2025***

+ CM(M) 722/2025 & CM APPL. 21348-21351/2025

+ CM(M) 723/2025 & CM APPL. 21384-21387/2025

JAGRITI PUBLIC SCHOOL

.....Petitioner

Through: Mr. Anil Kumar Singh with
Mr. Anurag Bindal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Tushar Sannu, Standing Counsel
for MCD with Mr. Sourav Verma,
Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present two petitions have been filed by the same petitioner i.e. *Jagriti Public School*.
2. *Jagriti Public School* had filed two different appeals before Appellate Tribunal, MCD. These were registered as A.No.391/2020 and A.No.327/2020. By virtue of these two appeals, the sealing and demolition action had been challenged by the abovesaid School.
3. Fact remains that when the appeals were taken up by learned Tribunal on 13.02.2025, it recorded statement of the appellant who deposed, in no uncertain terms, that permission may be granted to them to withdraw both the abovesaid appeals.
4. The grievance in the present two petitions is limited to the effect that despite recording such specific statement of the appellant, the appeals have



yet not been permitted to be withdrawn.

5. It is submitted that petitioner is the *dominus litis* and once it had made a specific and conscious statement before learned Appellate Tribunal that it was, no longer, interested in pursuing with the appeals, and the statement made in this regard was unconditional one, there was no real purpose in adjourning the appeals to a subsequent date.

6. During course of the arguments, it was apprised that both such appeals are now fixed up before the learned Appellate Tribunal on 24.04.2025.

7. This Court has gone through order dated 21.02.2025 passed by learned Tribunal Court whereby while issuing notice to concerned Police Officials, it has also fixed up the matter for consideration of the application seeking withdrawal of said appeals.

8. Mr. Tushar Sannu, learned counsel for MCD submits that despite there being a sealing order, there was tampering with the seals and the matter was accordingly reported to police which resulted in registration of FIR.

9. Though according to learned counsel for the petitioner, FIR has been got lodged by portraying a wrong picture, fact remains that it is for the concerned Investigating Agency to conduct investigation and to take the same to its logical end. Mere fact that there is registration of an FIR should, generally speaking, not come in the way of learned Tribunal while considering any such request seeking withdrawal of the appeals, more so, when the appellants are *dominus litis* of their appeals.

10. Be that as it may, after hearing arguments for some time, learned counsel for the petitioner submits that, at the moment, he would not press for any further relief if there is a direction to learned Tribunal to consider his request of withdrawal of appeals on the abovesaid fixed date i.e. 24.04.2025.



He, however, seeks liberty to approach the Court again, in case his such request is not acceded to by learned Tribunal.

11. Both the petitions are, accordingly, disposed of in aforesaid terms and learned Tribunal is requested to consider such request in light of already made statement and in accordance with law. Liberty, as prayed, is granted.

12. All the pending applications also stand disposed of accordingly.

13. Copy of the order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

APRIL 22, 2025
st/pb