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

+ **W.P.(C) 14698/2024 and CM APPLs. 61785/2024 and 70853/2024**

SANDEEP DHINGRA & ANR.

.....Petitioners

Through: Mr. Kirti Uppal, Senior Advocate
with Mr. Pawan Verma and Mr. Parth Verma,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.01.2025

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1. This writ petition is preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following relief:-

“It is, therefore, most respectfully prayed that this Hon’ble Court may graciously be pleased to issue a writ of Mandamus or any other appropriate writ directing setting aside of the order dated 03-10-2024 passed by the Respondent no.2 (Executive Engineer (B), MCD, Karol Bagh Zone, Delhi).”

2. By this writ petition, Petitioners lay a challenge to speaking order dated 03.10.2024 passed by Respondent No.2 in compliance of order dated 25.04.2024 passed by this Court in W.P.(C) 5785/2024 titled *Manmeet Kaur v. Municipal Corporation of Delhi & Ors.*, a writ petition which was filed by Respondent No.4 herein.

3. Short affidavit has been filed on behalf of the MCD in which a stand is taken that the property in question was booked for unauthorized



construction and number of demolition actions were taken as also that property was sealed at some stage. Objection is also taken to the maintainability of this writ petition on the ground that if the Petitioners have any grievance, the remedy to challenge the speaking order impugned herein lies before Appellate Tribunal, MCD.

4. Mr. Kirti Uppal, learned Senior Counsel appearing for the Petitioners submits that in the speaking order there is a reference to a fresh inspection carried out by MCD on 04.09.2024 but copy of Inspection Report has not been furnished to the Petitioners and therefore, Petitioners are in the dark about the construction taken to be illegal/unauthorized by MCD and therefore, direction be issued to MCD to furnish a copy of the report, after receipt of which Petitioners will take recourse to available legal remedy before Appellate Tribunal, MCD.

5. This writ petition is, accordingly, disposed of directing MCD to furnish a copy of the report of fresh inspection conducted on the subject property bearing No.1/13 (Western Side), West Patel Nagar, Delhi, on 04.09.2024, to the Petitioners within a period of two weeks from today. On receipt of the inspection report, it will be open to the Petitioners to approach the Appellate Tribunal, MCD, in case of any grievance.

6. It is further directed that in case Petitioners approach the Appellate Tribunal, MCD within a period of four weeks from the date of receipt of the inspection report, no coercive action will be taken by MCD for a period of eight weeks from today or till Appellate Tribunal, MCD takes up the appeal for consideration on interim relief, whichever is earlier. Tribunal is requested to take up the appeal expeditiously for hearing on the interim relief and it will be open to the Tribunal to continue or vacate or vary the



order passed by this Court. It is made clear that this Court has not expressed any opinion on the merits of the case.

7. Pending applications stand disposed of.

JYOTI SINGH, J

JANUARY 16, 2025
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