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

\# **CNR No. DLHC010490972026**

\+ W.P.(C) 15065/2026, CM APPL. 70622/2026, CM APPL. 70623/2026, CM APPL. 70624/2026

SHRI SUBHASH CHAND SETHI & ANR. .....Petitioners

Through: Mr. Shiv Charan Garg, Adv. (9811061563)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms Shilpa Dewan, Adv. (9971192772)

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% 09.10.2026

1. By virtue of the present petition under *Article 226* of the Constitution of India, the petitioners seek following reliefs:

> *"I. To quash and set aside the impugned order dated 23.09.2026 passed by the learned Appellate Tribunal, MCD in Appeal No. 789/26;*
>
> *II. Issue an appropriate order or direction to stay the operation of the Demolition Order No. D-567/AE(B)-II/CSPZ/2026 dated 13.08.2026 during the pendency of the Appeal No. 789/26 before the learned Appellate Tribunal, MCD;*
>
> *III. Issue an appropriate order or direction restraining the Respondent No. 1/MCD, its officials, agents, and employees from taking any coercive action, including demolition, in respect of the property bearing No. 3080, Ram Bazar, Mori Gate, Delhi-110 006, till the final disposal of the appeal by*

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the learned ATMCD;

IV. Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. At the outset, since the petitioners are seeking to challenge the impugned order dated 23.09.2026 passed by the learned Appellate Tribunal, MCD, as also the Demolition Order dated 13.08.2026 in the same breath herein, the present composite petition is *per se* not maintainable in the eyes of law. Moreover, it is an undisputed fact that a Civil Suit bearing No.1133/2026 had already been instituted against the petitioners herein with respect to the very same subject property involved herein, and that the same has been instituted much prior to the issuance of the Demolition Order on 13.08.2026. In fact, this Court finds that the photographs appended herein are without any details/ particulars therein.

3. As such, learned counsel for the petitioners seeks to withdraw the present petition with liberty to seek appropriate remedies in accordance with law including moving an appropriate application before the learned Appellate Tribunal, MCD regarding the timeline for demolition of the subject property involved.

4. As such, the present petition, alongwith the pending applications, is dismissed as withdrawn with liberty as prayed for.

SAURABH BANERJEE, J

OCTOBER 9, 2026/So

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