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

+ W.P.(C) 8762/2024

ASHISH GARG AND ANR . .... Petitioners

Through Mr. Anuroop P.S., Mr. Deepak  
Khosla and Mr. Humayun  
Khan, Advs.

versus

COMMISSIONER MUNICIPALCORPORATION OF DELHI

.... Respondent

Through Mr. Sanjeev Sabharwal, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**ORDER**

**28.06.2024**

**CM APPL. 35692/2024 – EXMP.**

1. Allowed, subject to all just exceptions.

2. The application shall stand disposed of.

**W.P.(C) 8762/2024, CM APPL. 35691/2024 – INTERIM RELIEF**

3. The petitioners invoke extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India for issuance of writ/ appropriate directions for quashing of the impugned vacation notice dated 21.06.2024 issued under Section 349 of the Delhi Municipal Corporation Act, 1957 [“**The Act**”] pursuant to demolition order issued under Section 343(1) of the Act.

4. Mr. Sanjeev Sabharwal, learned Counsel for the respondent-MCD is present on advance notice through video conferencing.

5. Learned counsel for the petitioners has urged that permissible repairs had been carried out in the premises in question after seeking permission from the Municipal Corporation of Delhi [“**MCD**”].



However, the officers of the MCD have certain grudges against the petitioners and they have purportedly issued some notices, which have never been received. It is urged that no demolition notice has been served upon the petitioners and even impugned vacation notice dated 21.06.2024 does not indicate serving of any demolition notice in respect of property in question.

6. It is pointed out that the basement and grounds floor of the property in question are being used for commercial purposes whereas upper floors are being used for residential purposes only.

7. It is further pointed out that due to summer vacations, no Presiding Officer in Appellate Tribunal, Municipal Corporation of Delhi [“ATMCD”] is functioning in District Courts.

8. Issue notice. Notice is accepted by Mr. Sanjeev Sabharwal, learned counsel for the respondent-MCD.

9. It is submitted by learned counsel for the respondent that demolition as well as sealing notices have already been served upon the petitioner way back in the year 2022.

10. The respondent-MCD is directed to keep in abeyance any demolition in question with regard to the property in question for a period of seven days. This period is given so as to enable the petitioners to approach the learned ATMCD for seeking appropriate relief.

11. The present writ petition along with application stands disposed of accordingly.

**DHARMESH SHARMA, J.  
(VACATION JUDGE)**

**JUNE 28, 2024/sm**