



\$~55

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

+ W.P.(C) 8764/2024

AMIT KUMAR & ANR. Petitioners
Through Mr. Rajat Mathur, Adv.

versus

MUNICIPAL CORPORATION OF DELHI. Respondent
Through Mr. Tushar Sannu, Standing
Counsel for the MCD with Mr.
Nanoviraj Singh and Mr.
Shobha Sachdeva, Advs.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

O R D E R

28.06.2024

CM APPL. 35697/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application shall stand disposed of.

W.P.(C) 8764/2024, CM APPL. 35696/2024 – STAY

3. The petitioner is invoking extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India for issuance of appropriate writ/directions for setting aside the impugned demolition order dated 24.04.2024, which is alleged to have been pasted outside the house of the petitioner on 17.06.2024.

4. Learned Counsel for the respondent-MCD is present on advane notice.

5. It is submitted by the learned Counsel for the respondent that the present petition is not maintainable since the appropriate remedy is to file an appeal before the learned Appellate Tribunal, Municipal



Corporation of Delhi [“ATMCD”]. However, it is acknowledged that the due to summer vacations ATMCD is not functioning. He has also pointed out that this matter involves an ongoing demolition action and the next demolition action is planned for 05.07.2024.

6. The present petition is disposed of with the directions that no further demolition action shall be taken till 05.07.2024. In the meanwhile, the petitioner shall be at liberty to prefer appropriate appeal before the learned ATMCD.

7. As requested, a copy of this order be given *dasti* under the signatures of the Court Master.

8. Learned Counsel for the respondent is impressed upon to communicated this order to the officers concerned.

9. The present Writ Petition along with the pending application is disposed of accordingly.

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

JUNE 28, 2024/sm