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

+ W.P.(C) 3320/2019 & CM APPL. 15283/2019

SOUTH DELHI MUNICIPAL CORPORATIONPetitioner

Through: Ms. Madhu Tewatia and Mr. Adhirath
Singh, Advocate

versus

HOUSING AND URBAN DEVELOPMENT CORPORATION LTD.

.....Respondent

Through: Mr. P.S. Bindra, Senior Advocate
with Mr. Abhishek Agarwal and Ms.
Vinita Shashidharan, Advocates

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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08.04.2025

1. Learned Senior Counsel appearing for the respondent has handed over copy of order dated 25th October, 2024 passed by this Court in W.P.(C) No. 9141/2019, *South Delhi Municipal Corporation Vs. Housing and Urban Development Corporation Limited*. Learned Senior Counsel appearing for the respondent submits that *vide* the said order dated 25th October, 2024, this Court has held that a writ petition against an order passed by the Municipal Taxation Tribunal, would not be maintainable. Thus, the said writ petition was directed to be re-numbered as a Civil Miscellaneous (Main).

2. Order dated 25th October, 2024 reads as under:-

"1. The present petition, ostensibly filed under Article 226 of the Constitution, is in fact directed against a judicial order passed by the Municipal Taxation Tribunal dated 06.02.2019.

2. I am of the view that such a petition is not maintainable, having regard to the fact that judicial orders cannot be challenged under



Article 226 of the Constitution as held by the Supreme Court in Radhey Shyam & Anr. vs. Chhabi Nath & Ors. [(2015) 5 SCC 423] and Life Insurance Corporation Of India vs. Nandini J. Shah & Ors. [(2018) 15 SCC 356].

3. Having regard to the fact that this petition has been pending in this Court for some time, the Registry is directed to renumber this petition under Article 227 of the Constitution as Civil Miscellaneous (Main), and to list it before the appropriate Court on 09.12.2024, subject to orders of Hon'ble the Chief Justice.

4. Learned counsel for the parties may file their written submissions within four weeks from today."

3. Accordingly, let petitioner seek instructions in regard thereto.
4. Re-notify on 29th April, 2025.

MINI PUSHKARNA, J

APRIL 8, 2025/N