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

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**Date of Decision: 20.07.2015**

+ LPA 464/2015

SURENDER SINGH

..... Appellant

Through: Mr.Sudhir Nandrajog, Sr. Adv. with  
Mr.Hemant Mudgil, Adv.

Versus

NEW DELHI MUNICIPAL COUNCIL & ORS ..... Respondents

Through: Mr.Anil Grover and Ms.Divya Jain,  
Advs. for NDMC/R-1

Mr.Dayan Krishnan, Sr.Adv. with Mr.Sanjay  
Ghose, Adv. for R-2/GNCTD

Mr.Rajiv Nayar, Sr.Adv. with Mr.Saurabh Seth,  
Adv. for R-3

Mr.Sanjay Jain, ASG with Mr.Anil Soni CGSC,  
Mr.Aakash Nagar and Mr.Naginder Benipal, Advs.  
for R-4

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE JAYANT NATH**

**J U D G M E N T**

**Ms.G.ROHINI, CHIEF JUSTICE (Oral)**

**CM No.12672/2015 (Exemption)**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

**LPA 464/2015 & CM No.12671/2015 (stay)**

1. Heard the learned counsel for both the parties.
2. This appeal is preferred against the order in W.P.(C) No.6672/2015 by which the learned Single Judge while granting time to the respondents to

file the counter affidavits declined to grant the interim relief as prayed for observing that grant of such relief would amount to granting the relief sought in the writ petition.

3. The writ petition is filed with a prayer to quash the notification dated 08.07.2015 whereunder the respondent No.3 herein was nominated by the Central Government as Member and Vice-Chairperson of the New Delhi Municipal Council (NDMC) in exercise of the powers conferred by Section 4(1)(d) and Section 4(4) of the NDMC Act, 1994. Pending the writ petition, the petitioner sought stay of administration of oath of office to the respondent No.3 in pursuance of the impugned notification. As mentioned above, the learned Single Judge declined to grant the stay and directed to list the petition on 03.09.2015. The said order is assailed in this appeal by the writ petitioner.

4. When the appeal is taken up for consideration, at the outset it is submitted by the learned counsel for the respondents that the oath of office has already been administered to the respondent No.3 in pursuance of the impugned notification.

5. Be that as it may, having regard to the nature of the controversy involved, it appears to us that instead of hearing this appeal on merits and expressing an opinion on the contentious issues raised by the appellant/writ petitioner, it would be appropriate to advance the hearing of the writ petition before the learned Single Judge. The learned counsel appearing for both the parties agreed for the same.

6. Accordingly, we direct that the counter-affidavits of the respondents in the writ petition shall be filed on or before 29.07.2015. The replies, if any, be filed by the petitioner within one week thereafter. The writ petition be

listed before the learned Single Judge on 07.08.2015 and we request the learned Single Judge to hear both the parties and pass appropriate orders in accordance with law at the earliest. The date fixed in the writ petition as 03.09.2015 shall stand cancelled and the writ petition be listed before the learned Single Judge on 07.08.2015

7. Appeal is accordingly disposed of.

No order as to costs.

**CHIEF JUSTICE**

**JAYANT NATH, J**

**JULY 20, 2015**

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