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

+ LPA 452/2016

ASIM ALI

..... Appellant

Through Mr. Avneesh Arputham & Mr. Yusuf
Khan, Advocates.

versus

EAST MUNICIPAL CORPORATION OF DELHI Respondent

Through Mr. Ajjay Aroraa & Mr. Kapil Dutta,
Advocates for East MCD.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

11.08.2016

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The appeal was listed yesterday and the following order was passed:-

“LPA452/2016 & C.M.No.29295/2016

It is noticed that the writ petitioner has not been made a party to the present appeal under Clause 10 of the Letters Patent. Counsel for the appellant submits that they are not aware of the parentage and address of the writ petitioner, as a copy of the writ petition was never served on them.

Copy of the memo of parties in W.P.(C) No.6433/2016 will be obtained by the counsel for the appellant from the office of Mr. Ajjay Aroraa, Advocate, who appears for the East Delhi Municipal Corporation. Telephone call will be also made by the counsel for the appellant and East Delhi Municipal Corporation to Mr. Vishal Khanna, Advocate, who had appeared for Ashim

Ali, the writ petitioner, informing that the present appeal will be listed tomorrow.

Without prejudice to their rights and contentions, the respondent Corporation will furnish to the appellant, copy of the demolition notice pursuant to which action has been and is to be taken by them.

List on 11th August, 2016.”

2. Mr. Ajjay Aroraa, Advocate, who appears for East Delhi Municipal Corporation states that he had informed Mr. Vishal Khanna, Advocate on telephone in the morning about the aforesaid order.

3. We had passed over the appeal as Mr. Vishal Khanna, Advocate had not appeared and Mr. Ajjay Aroraa, Advocate was asked to make another call and ask Mr. Vishal Khanna, Advocate to appear in the post-lunch session. Mr. Vishal Khanna, Advocate had stated that he would so appear. However, it is now 3.30 P.M., but Mr. Vishal Khanna, Advocate has not appeared.

4. Counsel for the respondent-East Delhi Municipal Corporation has handed over a copy of the different orders/notices booking the property, show cause notice, demolition order and demolition action information. He submits that the said notices/orders were sent by registered/speed post. Learned counsel for the appellant accepts that he has received a copy of the said letters/notices today in the Court and states the appellant would like to

file an appeal before the Appellate Tribunal, MCD.

5. It is open to the appellant to take steps in accordance with law. We would only clarify that the order dated 25th July, 2016 would not come in the way of the appellate tribunal examining the contentions and issues raised by the appellant herein and also from examining the prayer, if any, for interim stay/relief. We clarify that this Court has not expressed any opinion on merits of the contentions raised by the appellant and whether the appellant was or was not earlier served or was aware of the letters/notices. This Court has not passed any directions that the application for condonation of delay, if filed, would be accepted or rejected.

The appeal is disposed of.

Copy of this order will be given dasti to the learned counsel for the parties under signature of the Court Master.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

AUGUST 11, 2016
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