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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9147/2016 & C.M. No.37050/2016**
MANISH SHARMA

..... Petitioner

Through Mr. Kushal Dahiya, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through Mr. Akhil Mittal, Adv for R-1.
Mr. Iram Majid, Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **05.10.2016**

The petitioner is aggrieved by the illegal and unauthorized construction which has been carried out by the private respondent on property bearing No 906-913, Main Maliwada Chowk, Nai Sarak, Main Road, Chandni Chow, Delhi.

At the outset, learned counsel for respondent No. 1/North Delhi Municipal Corporation states that an identical writ petition has been filed by the petitioner on the same issue which has been withdrawn by him on 12.05.2016; he cannot be permitted to re-agitate the same issue especially when while withdrawing the petition, he had not taken liberty of the Court to file a fresh petition. This submission is noted.

At this stage, learned counsel for the petitioner submits that the earlier petition was qua the first floor whereas the present petition is qua the second and third floors also where also the alleged illegal and

unauthorized construction are going on.

On advance notice, learned counsel for respondent No. 1 has put in appearance. He submits that this property has been booked and demolition order had also been passed. Against the demolition order, the private respondent had approached the ATMCD and the ATMCD has now fixed the next date of hearing as 06.01.2017. Interim stay has been granted by the ATMCD.

Noting the above contentions, this petition is not pressed any further. It is disposed of in the above terms.

INDERMEET KAUR, J

OCTOBER 05, 2016

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