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

+ W.P.(C) 9228/2016 & C.M. No.37319/2016

J.P. SHARMA & ANR

..... Petitioners

Through Mr. Vikas Singh, Sr. Adv with Mr. S. Venkatesh, Mr. Varun Singh, Mr. Shashank Khurana and Mr. Pratyush Singh, Advs.

versus

OFFICE OF DEPUTY COMMISSIONER / COLLECTOR (SOUTH)
& ORS

..... Respondents

Through Mr. Anupam Srivastava, ASC with Ms. Niharika, Adv for R-1 and R-2. Ms. Jyoti Taneja, Adv for GNCTD.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **05.10.2016**

The petitioner is aggrieved by the fact that inspite of an order dated 05.09.2016 passed in W.P. (C) No.7841/2016 wherein a direction had been given that the petitioner would approach the Deputy Commissioner (appellate body of the SDM) and his interim application as also his main petition would be considered, (in the time period being two weeks during which period, the respondent was not to take any coercive steps against the petitioner); the grievance is that this application has yet not been listed for hearing. Learned senior counsel for the petitioner points out that after the order dated 05.09.2016, an application had been preferred before the Deputy Commissioner on 07.09.2016 which was listed for 20.09.2016; on 20.09.2016 the Competent Authority/Deputy Commissioner was present and the matter was adjourned to 03.10.2016. On 03.10.2016,

the Deputy Commissioner stood transferred and the matter has now been posted for 17.10.2016. His submission is that as on date there is no functional Deputy Commissioner. His additional submission is that the protection granted to him by this Court on 05.09.2016 has expired and he needs further protection; submission being that he should be protected till his interim application is taken up for hearing and decided by the Deputy Commissioner.

On advance notice, learned counsel for the respondents has put in appearance. He admits that as on date, there is no functional Deputy Commissioner.

This Court accordingly thinks it fit to extend the interim protection granted on 05.09.2016. It is accordingly ordered that till the interim application (now pending before the Deputy Commissioner) is taken up for hearing and decided, no coercive steps shall be taken by the respondent.

Needless to state that any observation made in the order passed today as also in the earlier order dated 05.09.2016 will not influence the Deputy Commissioner who shall pass the orders on merits and in accordance with law.

Petition disposed of.

Order dasti under the signatures of the Court Master.

INDERMEET KAUR, J

OCTOBER 05, 2016

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