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

+ **CONT.CAS(C) 1330/2016**

RASHMI AGARWAL

..... Petitioner

Through Mr.Surjeet Singh Malhotra,
Advocate.

versus

DR PUNEET KUMAR GOEL

..... Respondent

Through Ms.Puja Kalra, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **16.12.2016**

C.M.No.46433/2016

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

CONT.CAS(C) No.1330/2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 18th July, 2016 passed in W.P.(C) No.6097/2016, whereby the respondent-SDMC was directed to take action if any deviation is noted in the property bearing No.F-13E, DDA Flats, Munirka, New Delhi, within an outer limit of eight weeks and intimate the same to the petitioner.

In the petition, it has been averred that no action with regard to the unauthorised construction has been taken in accordance with the aforesaid order.

Issue notice.

Ms.Puja Kalra, Advocate accepts notice on behalf of the

respondent. She states that in pursuance to the order dated 18th July, 2016, the Assistant Engineer (Building), South Zone has passed a speaking order under Section 343(1) of DMC Act, 1957 directing demolition of approx. 30 sq.mtrs. of the property in question. She further states that the owner/occupier of the aforesaid property has now filed an appeal before the Appellate Tribunal, MCD (ATMCD), in which notice has been issued for 21st December, 2016.

Keeping in view the aforesaid statements, learned counsel for the petitioner states that he would like to withdraw present petition with liberty to file an impleadment application before the ATMCD.

In the event, such an application is filed, the ATMCD is directed to decide the same in accordance with law. However, keeping in view the mandate of this Court in W.P.(C) No.6097/2016, the ATMCD is directed to decide the matter as expeditiously as possible, preferably within a period of three months from today.

With the aforesaid directions, present contempt petition stands disposed of.

Order *dasti* under the signatures of Court Master.

MANMOHAN, J

DECEMBER 16, 2016
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