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

+ **W.P.(C) 12241/2016**

BIMLA MISHRA

..... Petitioner

Through: Mr. Rajat Aneja & Mr. Vinay Mishra,
Advocates.

versus

EAST DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Mr. Jagdish Sagar, Advocate along
with Mr. A.K. Yadav, AE, EDMC.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

30.12.2016

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C.M. No. /2016 (for amending the writ petition)

Issue notice. Mr. Sagar accepts notice on behalf of the respondent.

By this application, the petitioner seeks to amend the writ petition.

Since the application has been moved at an early stage, the same is allowed. The amended writ petition filed along with the application is taken on record.

W.P.(C) 12241/2016

Issue notice. Mr. Sagar accepts notice.

The submission of Mr. Aneja is that the petitioner has already

demolished the structure on the fourth floor of the portion in occupation of the petitioner.

Mr. Sagar has tendered in Court a few photographs of the existing construction which show that it is likely that there is construction existing on the rear portion of the petitioner's property on the fourth floor.

Mr. Aneja has submitted that the petitioner could not move the Appellate Tribunal of MCD on account of Winter Break. He states that the petitioner shall move the Tribunal within the next five working days and seeks protection in the meantime.

In these circumstances, the respondent may proceed to demolish any existing structure on the fourth floor of the petitioner's property. However, demolition of other portions may be withheld till the matter is considered by the Appellate Tribunal of the MCD. The aforesaid restraint against the respondent shall operate provided the petitioner approaches the Appellate Tribunal of the MCD within the next five working days.

The petition stands disposed of in the aforesaid terms.

Order Dasti under the signatures of the Court Master.

VIPIN SANGHI, J

DECEMBER 30, 2016

B.S. Rohella