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

+ W.P.(C) 4331/2017 & CM Nos.18836/2017

USHA SHEKHAR

..... Petitioner

Through: Mr. Arjun Natarajan, Mr. Varun
Kumar Tripathi and Mr. Nishant,
Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Ms. Arunima Dwivedi, Adv. for
South DMC
Mr. Ajay Arora, Standing counsel
North DMC and Ms. Biji Rajesh,
Adv. Mr. Gaurang Kanth, Adv. for
East DMC.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **18.05.2017**

1. The petitioner has challenged the impugned order dated 8th May, 2017 whereby the petitioner has been called upon to vacate the flat bearing No.K-113-G, DDA Flats Sheikh Sarai Phase-II, New Delhi within three days.
2. Learned counsel for the petitioner submits that the petitioner did not receive the show cause notice for demolition and the demolition order from the respondent.
3. Learned counsel for the respondent has delivered the copy of the show cause notice dated 21st November, 2016, demolition order dated 28th October, 2016 and work stop notice dated 1st December, 2016 to counsel for the petitioner who seeks permission to withdraw the writ with liberty to file the appeal before the MCD Appellate Tribunal.
4. The writ petition is dismissed as withdrawn with liberty as prayed for.

In case the appeal is filed within 30 days, the Appellate Tribunal shall consider the same on merits. The respondent shall withhold coercive action against the petitioner for a period of 30 days from today. The pending application is disposed of.

5. Learned counsel for the petitioner submits that the petitioner shall file an application for regularization before the respondent within 10 days. The respondent shall consider the petitioner's application for regularization and take a decision thereon within a period of two weeks thereafter. The respondent's decision on the petitioner's application shall be communicated to the petitioner.

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

J.R. MIDHA, J.

MAY 18, 2017/dk