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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 605/2016, CM APPL.41002-41005/2016

MEHMOOD AHMAD (SINCE DECEASED) THR HIS LRS

..... Appellant

Through: Mr. Bahar U. Barqi, Advocate.

versus

DR COMMISSIONER SDMC & ORS

..... Respondents

Through: Mr. Prasanta Varma, ASC, SDMC/R-1.

Mr. Alamgir, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

05.09.2017

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The appellant is aggrieved by an order of the learned Single Judge dated 13.07.2015, whereby certain directions were issued with respect to alleged unauthorized construction on the property - plot no.P-22, P-Block. The appellant urges that the correct description of the property is plot no.23. In view of the order that this Court proposes, there is no need to consider that controversy.

The Single Judge had directed that in view of the allegations levelled in the proceedings, the police was to ensure that the work stop notice issued by SDMC was complied with and also to determine whether the property was unauthorizedly constructed and take further necessary action as required by law.

The appellant urges that he was never in the know of the impugned order and that upon becoming aware it represented against the order of the MCD which had then complied with the impugned order. Apparently, the MCD proceeded to reject the submission and passed an order of demolition. That order is now subject matter of appeal to the MCD Tribunal under Section 347D of the Delhi Municipal Corporation Act, 1957. In these circumstances, the Court is of the opinion that the appellant does not have any surviving grievance. At the same time, it is clarified that the observations, if any, in the impugned order as to the character of the property, i.e., whether it is unauthorized or in any manner violative of the law shall not influence the Tribunal in the adjudication of the dispute before it.

All rights and contentions of the parties are reserved. Till the Tribunal decides the appeal, the *status quo* as existing shall be maintained by the parties.

The appeal is disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 05, 2017

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