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

+ **W.P.(C) 5343/2017**

MADAN LAL RATHI AND ANR Petitioners

Through **Mr. Vinit Trehan and Mr. Aditya
Trehan, Advs.**

versus

NORTH MUNICIPALCORP. OF DELHI Respondent

Through **Mr. Mukesh Gupta, Standing Counsel
for North DMC with Mr. Davinder
Singh, EE(B) I/RZ, Mr. O.S. Rana,
AE(B) I/RZ and Mr. P.C. Mahiwal,
JE(B)I/RZ.**

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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21.06.2017

In sum and substance, by the instant petition the petitioner seeks directions to the respondent to not to take further action on the Vacation Notice dated 15.6.2017 as averred to in para 13 of the petition in respect of the premises bearing No.B-2/8, Paschim Vihar, New Delhi, inasmuch as, AT, MCD, before whom, the statutory appeal lies, is lying vacant, on account of summer vacations. It is stated that AT, MCD, would be re-opening on 3.7.2017.

Mr. Gupta, on instructions, submits that file of the subject property is lying filed in an appeal in relation to the premises, of which a portion of the petitioner forms a part, in an appeal preferred before the AT, MCD by a co-owner.

Petitioner, of course, cannot be deprived of his right of hearing by the competent authority. Keeping in view the totality of facts and circumstances, the writ petition is disposed off, with the directions that till 4.7.2015, vacation notice dated 15.6.2017, shall not be given effect to. Petitioners in exercise of their rights, if any, may prefer an appeal before, AT, MCD. It is also made clear that anything said in this order, shall have no bearing on the disposal of the appeal or any interim application that may come to be filed by the petitioners before AT, MCD . Petition stands disposed off accordingly.

Dasti to the parties.

A. K. CHAWLA, J
(Vacation Judge)

JUNE 21, 2017
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