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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6563/2017 & CM APPLs. 27202-27203/2017**
SANTOSH GAUR Petitioner

Through Mr. Kirti Uppal, Sr. Advocate with
Mohd. Amanullah, Ms. Shabeena
Anjum, Mr. Pranvir Singh Sethi and
Mr. Misbah Bin Tariq, Advs.

versus

EAST DELHI MUNICIPAL CORPORATION Respondent
Through Mr. Ajjay Aroraa, Mr. Kapil Dutta
and Ms. Diksha Lal, Advs.

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **03.08.2017**

Affidavit in terms of the last order is not filed. Mr. Aroraa, ld. counsel for the respondent submits that the affidavit shall be filed during the course of the day. Let it be done.

Petitioner impugns vacation notice issued under Section 349 DMC Act dated 7.7.2017 for the alleged unauthorized construction in the subject property, which as per the vacation notice, was booked on 6.4.2012. Vacation notice however, is said to have been served only on 13.7.2017. Mr. Uppal, ld. Sr. Counsel for the petitioner, on instructions, submits that the petitioner shall avail the statutory remedy by way of appeal before AT, MCD and therefore, does not press the instant writ petition. Prayer is however, made for

protection for a period of seven days to prefer such appeal.

Keeping in view the totality of the facts and circumstances, it is directed that for a period of seven days from today, no coercive steps shall be taken by the respondent on the premise of the impugned vacation notice. It is made clear that no part of this order shall have any bearing on the merits of the appeal, that may be preferred by the appellant. The petition is disposed off accordingly.

Dasti under signatures of the Court Master.

A. K. CHAWLA, J

AUGUST 03, 2017

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