

\$~39

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

+ W.P.(C) 8013/2017 & CM APPL. 33044/2017

TAHURA ALI JAVED AND ORS Petitioners

Through: Mr. S.A. Khan, Mr. Gaurav Bhatt &
Mr. M. Dhiman, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel
for NDMC with Mr. Arvind Kumar Malik,
AE (Bldg.), NDMC.
Ms. Swaty Singh Malik & Mr. Himanshu
Latwal, Advocates for R-3 with
Mr. Yogeshwar Singh, Inspector.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **11.09.2017**

Mr. Gupta, learned standing counsel for the respondent, on instructions, submits that the entire property, subject-matter of the writ petition, has come to be raised without sanction of any building plan. It is stated that the unauthorized construction was firstly booked on 30.3.2017, when ground floor, first floor and part of the second floor was constructed and that, it came to be booked second time on 21.4.2017 for the unauthorized construction of the entire second floor, third floor and the columns having been raised on the fourth floor. It is also stated that the demolition order came to be passed on 7.4.2017

and the entire property has come to be sealed on 16.8.2017.

Learned counsel for the petitioners submits that the petitioners are totally oblivious of any of the alleged actions having been initiated by the respondent.

Be that as it may, Mr. Gupta, learned counsel for respondent No.1/NDMC, during the course of hearing, has handed over to learned counsel for the petitioners, copies of the show cause notices dated 30.3.2017, 21.4.2017, demolition order dated 7.4.2017 and copy of the sealing order dated 5.5.2017. It is conceded during the course of hearing that against the demolition or sealing order, the statutory remedy by way of appeal before AT, MCD is available to the petitioners. In view thereof, the instant petition is sought to be withdrawn. Dismissed as withdrawn, as prayed.

A. K. CHAWLA, J.

SEPTEMBER 11, 2017
‘AA’