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

+ **W.P.(C) 8953/2017 and CM APPL. 36594-36595/2017**

RAJ KUMAR NOWLAKHA

..... Petitioner

Through

Mr. Peeyoosh Kalra, and Ms. Swati,
Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through

Mr. Ajjay Aroraa, Standing Counsel
and Mr. Kapil Dutta, Adv.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **12.10.2017**

Issue notice. Mr. Aroraa accepts notice.

Petitioner has approached this Court invoking Article 226 of the Constitution of India and seeks issuance of Writ of Certiorari for quashing of orders dated 30.6.2017 and 4.10.2017 passed by the respondent. Impugned order dated 30.6.2017 revokes the sanction of the building plan and the impugned order dated 4.10.2017 rejects the review application filed by the petitioner against revocation.

It is not in dispute that against the impugned order dated 30.6.2017, the petitioner had preferred an appeal and during the course of the pendency of such appeal, on an application made seeking review, the appeal came to be withdrawn, inasmuch as, according to the petitioner, it was an implied condition imposed by the respondent before the review application could be looked into and decided by the competent authority. The review application having

been rejected, the petitioner has now filed the instant writ petition seeking quashing of both the impugned orders. During the course of hearing, Mr. Kalra, Id. Counsel for the petitioner contends that the instant petition has come to be filed in view of the fact, that, while the building plan was originally sanctioned on 6.11.2015 and the building is almost complete inasmuch as, almost 95% of the building construction activities are already over, the respondent, at this stage, in a hurry, without giving any time to the petitioner to agitate his rights before appropriate forum, is threatening to take immediate coercive actions.

At this stage, Mr. Aroraa, Id. Counsel for the respondent, without prejudice to the rights and contentions of the parties, on instructions, submits that for 15 days from today, no coercive steps on the basis of the impugned orders dated 30.6.2017 and 4.10.2017 shall be taken and the petitioner is at liberty to approach AT, MCD to agitate any of his rights by filing statutory appeal before AT, MCD. Respondent shall remain bound by the statement made by Mr. Aroraa on its behalf. It is made clear that any observation made in the instant proceedings shall have no bearing on the merits of the appeal that may be preferred by the petitioner before AT, MCD. Writ petition and the pending applications stand disposed off accordingly.

Dasti under the signatures of the Court Master.

A. K. CHAWLA, J

OCTOBER 12, 2017

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