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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 12.02.2018

LPA 43/2018, CM No.4004/2018, CM No.4005/2018 & CM No.4006/2018

MANU SHANKAR

..... Appellant

versus

**DELHI DEVELOPMENT AUTHORITY
& ORS**

..... Respondents

Advocates who appeared in this case:

For the Appellant : Mr. Daleep Dhyani, Advocate

For the Respondents : Mr. Nikhil Rohatgi, Advocate with Mr. Shashank Khurana, Advocate
for R-1/DDA

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present Letters Patent Appeal filed under Clause 10 of the Delhi High Court Act, 1966, assails an order dated 29.11.2017, passed by the learned Single Judge of this Court in W.P.(C) No.3537/2017 titled as '*Manu*

Shankar vs. Delhi Development Authority & Ors.’, whereby, the said petition instituted on behalf of the appellant essentially came to be dismissed on account of the circumstance that the demolition and sealing orders were passed by the Statutory Authority after 11.08.2017, which have been assailed by the aggrieved party by way of a statutory appeal, pending adjudication before the Appellate Tribunal, MCD.

2. Learned counsel appearing on behalf of the appellant states that the Appellate Tribunal, MCD has stayed the operation of the demolition order on a technical issue raised on behalf of the aggrieved party. In other words, the appellant proposes that this Court assume the jurisdiction of the Appellate Tribunal, MCD, and determine the statutory appeal pending adjudication there in the present proceedings instituted by the appellant.

3. In our considered view, the submission made on behalf of the appellant is devoid of merit and untenable. The Statutory Authority has already taken action in accordance with law, as is evident from the said demolition and sealing orders that have been passed by them.

4. The appeal being misconceived is dismissed. The pending applications also stand disposed of.

5. There shall be no order as to costs.

**SIDDHARTH MRIDUL
(JUDGE)**

FEBRUARY 12, 2018
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**DEEPA SHARMA
(JUDGE)**



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