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

+ **W.P.(C) 1419/2018**

PRABHU KUNWAR

..... Petitioner

Through: Mr. Varun K. Chopra and Mr. Gurtej
Pal Singh, Advs.

versus

**SOUTH DELHI MUNICIPAL CORPORATION AND
ORS.**

..... Respondents

Through: Mr. Ajjay Aroraa and Mr. Kapil
Dutta, Advs. for SDMC.
Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advs. for R2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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13.02.2018

This matter has been listed vide supplementary list on a mentioning made before Hon'ble the Acting Chief Justice.

CM. No. 5861/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1419/2018

Present petition has been filed by the petitioner with the following prayers:

“ In view of the above circumstances, it is most respectfully prayed before this Hon'ble Court:

- i. to issue a writ of prohibition or any other appropriate writ, order or direction in the nature of a writ, restraining the Respondent No.1 from proceeding with the demolition of the said property in pursuance of the Show Cause Notice dated 22.12.2017 issued by the respondent no.1; and*
- ii. Pass such other order (s) as this Hon'ble Court may*

deem fit and proper in the facts and circumstances of the case”.

Counsel for the petitioner concedes that action is being taken in view of a PIL being W.P.(C) 10006/2017 pending consideration before the Division Bench headed by Hon’ble the Acting Chief Justice. He also concedes to the fact that petitioner is respondent no.6 in the said writ petition.

Mr. Ajjay Aroraa, Adv. who appears for respondent / SDMC on advance notice states, pursuant to the directions of the Division Bench, respondent / SDMC has filed the status report wherein they have stated that property concerned has been booked and further action is contemplated as per the DMC Act, 1957.

The fact that proposed action is being taken in view of the PIL pending consideration before the Division Bench wherein a status report has been filed by the respondent / SDMC, it would be appropriate for the petitioner to approach the Division Bench concerned for appropriate relief.

Accordingly, the petition is dismissed as withdrawn granting liberty to the petitioner to approach the Division Bench by day after tomorrow.

Till such time, the petitioner approaches the Division Bench, no coercive steps shall be taken.

CM No. 5862/2018 (for stay)

In view of the order passed in the writ petition, the application is dismissed as infructuous.

A copy of this order be given dasti under the Signatures of the Court Master.

V. KAMESWAR RAO, J

FEBRUARY 13, 2018/jg