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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1644/2018, CM No. 6727/2018
JAGPAL SINGH YADAV Petitioner
Through: Mr. Harshit Jain, Adv.

versus

COMMISSIONER NORTH MCD & ORS Respondents
Through: Mr. Rajan Sabharwal, Standing
Counsel for R1
Mr. Yudhvir Singh Chauhan, Adv. for
R2

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **07.03.2018**

CM No. 6727/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1644/2018

The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this Hon’ble Court be pleased to:

- A. *Issue a writ of mandamus thereby directing respondent No.1 to demolish the illegal and unauthorised construction in the property bearing No. RZ-1, Sayeed Nangloi Gaon, Paschim Vihar, Delhi-110087 as the same is totally not permissible as per law, in violation of the building bye laws and the sanction plan;*
- B. *Such other and further relief which this Hon’ble Court*

deems fit and proper in the facts and circumstances of the case is also granted.”

It is conceded by the learned counsel for the petitioner that the respondent No.2 has filed an appeal before Appellate Tribunal MCD and the Appellate Tribunal MCD has stayed the order of demolition on April 18, 2017. He also states, as the petitioner cannot seek his impleadment before the Appellate Tribunal, he has filed this petition. He states he would be satisfied if at least the petitioner is allowed to intervene in the appeal for a limited purpose of filing written submissions. Mr. Rajan Sabharwal and the learned counsel for the respondent No.2 have no objection in that regard. The writ petition is disposed of as not pressed with a direction to the petitioner to file an application for intervention before the Tribunal to the extent of allowing him to file written submissions. If such an application is filed, the Appellate Tribunal MCD shall consider the application favourably and allow intervention for the purpose of filing written submissions.

The writ petition is dismissed as withdrawn.

Dasti.

V. KAMESWAR RAO, J

MARCH 07, 2018/aky