

\$~61

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

+ W.P.(C) 1801/2018

BIPAN JINDAL

..... Petitioner

Through: Ms. Maninder Acharya, Sr. Adv. with
Mr. Sarvesh Bahrdwaj, Mr. Sahil
Sood, Mr. Harshul Choudhary and
Mr. Viplav Acharya, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Paritosh Anil, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

27.02.2018

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

“ In the aforesaid facts and circumstances of the case, it is most humbly prayed that this Hon’ble Court would be pleased to issue a writ of mandamus or any other appropriate writ, order or direction to the respondent directing it:-

- 1. To accept the compounding and regularization application of the petitioner of her subjective floor and decide the same as per the law.*
- 2. To restrain the respondent and its official from taking any coercive action of demolition as regards the old and occupied property of petitioner which is even otherwise regularizable as per the master plan 2021.*
- 3. Any other, further or alternative relief, for which the petitioner*

may be found for in the peculiar circumstances of the case which this Hon'ble Court deem fit and proper may also be granted to the petitioner."

Ms. Maninder Acharya, learned Sr. Counsel appearing for the petitioner states, no doubt demolition order has been issued by the respondent with respect to the ground floor of the property of the petitioner, the petitioner had made an attempt to file an application for regularization of the compoundable portions of the property, but the application was not accepted by the respondent. She states, petitioner would be satisfied if the respondent consider the application for regularization and pass order. She also states, if such an application is not decided in favour of the petitioner, she will approach the concerned Appellate Tribunal (MCD) for her grievances against regularisation and demolition.

When the matter was listed on February 26, 2018, counsel for the respondent had sought an adjournment for today. Today, the counsel on instructions from the concerned officer states, no such application for regularization was ever attempted to be filed by the petitioner. He also states, if such an application is filed, the same shall be considered within a week from today.

Noting the aforesaid submissions, petitioner is directed to file an application for regularization by tomorrow evening. On such filing, the respondent shall consider the application in accordance with the bye-laws and the MPD-2021 and pass a reasoned order and communicate the same to the petitioner within one week from today. If the petitioner is still aggrieved by the order to be passed by the respondent, she will seek such remedy as available to her before the ATMCD in accordance with law.

Till such time, the order is passed and communicated to the petitioner and for one working day thereafter no coercive steps shall be taken by the respondent.

The petition is disposed of.

CM No. 7409/2018

In view of the order passed in the writ petition, this application has become infructuous and disposed of as such.

Dasti.

V. KAMESWAR RAO, J

FEBRUARY 27, 2018/jg