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

+ W.P.(C) 2248/2018

KARTAR SINGH

..... Petitioner

Through: Mr. Counsel (appearance not given)
versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr. Ajjay Arora and
Mr. Kapil Dutta, Advs. for SDMC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.05.2018

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

“It is, therefore, most respectfully and humbly prayed that this Hon’ble Court may be pleased to issue:-

A Writ(s), order(s) or direction(s) in the appropriate nature of mandamus directing the respondent No.1 not to demolish the structure constructed over the property of the petitioner bearing No.29-D/2A, Ward No.1, Village Mehrauli, New Delhi-110030.

A writ(s), order(s) or direction(s) in the appropriate nature of mandamus whereby extending the time of stay order dated 07.03.2018 passed by this Hon’ble Court in W.P. (C) No. 2146/2018 till the new Presiding Officer will join the ATMCD. Pass any other order(s) which this Hon’ble Court may deem fit and proper in the facts and circumstances of case in favour of the petitioner in the interest of justice.”

Learned counsel for the petitioner submits, he filed a petition in this Court being W.P. (C) 2416/2018 against vacation order. The same was

dismissed as withdrawn on March 07, 2018, granting liberty to the petitioner to approach ATMCD. An application was filed before ATMCD but the same could not be heard as the position of the Presiding Officer of ATMCD was vacant.

In the above background, when this petition was listed on March 12, 2018 this Court had directed that no coercive action shall be taken against the petitioner. As the Presiding Officer at ATMCD has been appointed and I have been informed that the date of hearing in the appeal filed by the petitioner is May 14, 2018, it is appropriate, the parties are relegated to ATMCD.

The parties shall appear before the ATMCD on May 14, 2018, on which date, the ATMCD shall hear the appeal / application filed by the petitioner on March 08, 2018 for stay, de-novo without being influenced by the protection granted by this Court on March 12, 2018.

The petition is disposed of. The protection granted on March 12, 2018 qua notice dated March 06, 2018 shall continue till the date of hearing before ATMCD on May 14, 2018.

Dasti.

V. KAMESWAR RAO, J

MAY 04, 2018/aky