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

+ W.P.(C) 2250/2018, CM No. 9297/2018

DR DUMPALA SANTOSH RUPA & ORS Petitioners

Through: Mr.Amol, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Ajjay Aroraa, Adv. and Mr.Kapil
Dutta, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **04.05.2018**

W.P.(C) 2250/2018

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

“a) Quash / set aside the Vacation Notice dated 08.03.2018 u/s 349 of DMC Act and notice u/s 435 of DMC Act”.

b) Quash / set aside demolition order dated 20.02.2018 passed by North Delhi Municipal Corporation

c) Any other relief to which the Petitioners are entitled or this Hon'ble Court deems fit may also be granted”.

On March 9, 2018, this court had passed the following order:-

“Even though, the present petition has been filed by the petitioners challenging the vacation notice dated March 08, 2018 and demolition order dated February 22, 2018 of the

NDMC, learned counsel for the petitioners state, he would confine this petition only to an order of protection, till such time the appeal filed by four petitioners is heard by the Appellate Tribunal MCD as the same is not functioning, in view of the transfer of the Presiding Officer.

Notice, Mr. Ajjay Aroraa, Adv. accepts notice for the respondent.

Mr. Ajjay Aroraa submits that the action is being taken pursuant to the directions of the Division Bench in W.P. (C) 11382/2017 wherein the Division Bench has directed the NDMC to investigate the building in question and in case, any illegality is discovered with regard to the building, immediate action shall be taken in accordance with law.

It is the submission of the learned counsel for the petitioners that the demolition order dated February 22, 2018 has been issued without show cause notice to the petitioners. Till the next date of hearing no coercive steps shall be taken against the petitioners.

Re-notify on March 19, 2018.”

Learned counsel for the petitioners state that the appeal has been filed before the ATMCD and the next date of hearing fixed is May 21, 2018. If that be so, the parties are relegated to the ATMCD. They shall appear before the ATMCD on May 21, 2018, on which date, the ATMCD shall hear the appeal / stay application filed by the petitioners de-novo without being influenced by the protection granted by this Court on March 9, 2018. The protection granted on March 9, 2018 shall continue till May 21, 2018.

The parties shall produce this order before the ATMCD for its perusal and consideration. The petition is disposed of.

Dasti.

CM No. 9297/2018 (stay)

The application has become infructuous. The same is disposed of as such.

V. KAMESWAR RAO, J

MAY 04, 2018/akb