

\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2319/2018, CM No. 9664/2018
AFROZ BEGUM Petitioner

Through: Mr.M.S.Khan, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION THROUGH: ITS
COMMISSIONER Respondent

Through: Mr.Akhil Mittal, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **04.05.2018**

W.P.(C) 2319/2018

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

“That the petition may kindly be accepted and the impugned demolition orders dated 12.1.2016 number as 4/83/UC/EE (B)/C2/2016 and S1/83/UC/EE (B) /C2/17 dated 6.4.2017 passed by the Asstt. Engineer (Building), city Zone, MLUG Car Parking Asaf Ali Road in respect of property bearing No. 817-819 Chatta Sheikh Manglu, Jama Masjid, Delhi-110006, may kindly be set aside; on the basis of which the threatened action of demolition is being initiated by the respondent may kindly be set aside and quashed; and

The respondent may be further directed not to act upon the impugned demolition order and regularize the construction under the provisions of Appendix Q of the Unified Building Bye-

Laws 1983, upon the payment of regularization fee; OR

Alternatively the respondent may be directed not to take any coercive action till the disposal of the application for grant of interim stay filed before the Hon'ble Appellate Tribunal, MCD.

Any other relief which this Hon'ble Court deem fit in the circumstances of the case be also passed in favour of the petitioner”.

When the matter was listed on March 13, 2018, this Court has passed the following order:-

“Present petitions have been filed by the petitioners by stating that the appeals filed by them before the Appellate Tribunal are not being heard as the post of Presiding Officer is lying vacant on transfer of the earlier incumbent. Notice, Mr. Akhil Mittal, Standing Counsel accepts notice for the respondent. Re-notify these petitions on March 19, 2018. Till the next date of hearing, no coercive steps shall be taken by the respondent against the petitioners.”

Learned counsel for the petitioner states that the appeal has been filed before the ATMCD and the same is coming up for hearing on May 17, 2018. If that be so, the parties are relegated to the ATMCD. They shall appear before the ATMCD on May 17, 2018, on which date, the ATMCD shall hear the appeal / stay application filed by the petitioner de-novo without being influenced by the protection granted by this Court on March 13, 2018. The protection granted on March 13, 2018 shall continue till May 17, 2018. The

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

Dasti.

CM No. 9664/2018 (stay)

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

V. KAMESWAR RAO, J

MAY 04, 2018/akb