

\$~2

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

+ **W.P.(C) 2845/2018**

BHARAT SINGH CHAMYAL Petitioner
Through: **Mr. Ritesh Sareen, Adv.**

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent
Through:

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

ORDER
% **04.05.2018**

This petition has been filed by the petitioner with the following prayers:

*“It is, therefore, most respectfully prayed that this Hon’ble Court may kindly be pleased to pass a writ of mandamus or any other order of the similar nature, thereby directing the respondent / MCD not to take any punitive action against the property bearing Flat No. E-2, 4th Floor, Property No.29-D/2A, Ward no.1, Mehrauli, New Delhi, qua the vacation notice dated 06.03.2018, passed by AE (B) South zone, South MCD, Delhi vide No.D-4376/AE(B)/SZ/2018, till the disposal of the present petition
Any other order, which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the respondent.”*

When the matter was listed on March 23, 2018, this court passed the following order:-

“The present petition has been filed pursuant to the order of Division Bench in W.P. 11667/2017 dated March 14, 2018.

Learned counsel for the petitioner concedes to the fact, the appeal has not been filed by the petitioner. He also undertakes to file an appeal on or before 25th March, 2018. Since the ATMCD is not functional and I have adjourned, similar matters to April 04, 2018, I deem it appropriate to re-notify the writ petition on April 04, 2018. Till the next date of hearing, no coercive action shall be taken against the petitioner.”

Learned counsel for the petitioner states, an appeal has been filed by the petitioner before the ATMCD and the next date of hearing is May 18, 2018. If that be so, since the ATMCD has started functioning, I deem it appropriate to relegate the petitioner to the ATMCD. The parties shall appear before the ATMCD on May 18, 2018, on which date Tribunal shall hear the appeal / stay application, *de-novo* without being influenced by the protection granted by this court.

Till May 18, 2018, interim protection granted by this court on March 23, 2018 shall continue.

The parties shall produce this order for the perusal and consideration of the Tribunal.

Petition stands disposed of.

CM. No. 11410/2018

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

Dasti.

V. KAMESWAR RAO, J

MAY 04, 2018/jg