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

+ **W.P.(C) 2985/2018, CM No. 11991/2018**

DR ROHIT MAHINDRA

..... Petitioner

Through: Mr.Sunil, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Shekhar Vyas, Adv. with Mr.Arun
Pathak, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.05.2018

W.P.(C) 2985/2018

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

a) Issue a writ of Certiorari, or any order or appropriate writ, direction or order quashing / setting aside the impugned Demolition Order dated 08.03.2018 passed by Assistant Engineer (Building)-I, Civil Lines zone of respondent in respect of Second Floor of Annexe Building / Garage Block (Left Side Portion), forming part of property No.46, (Left Side), Bungalow Road, Kamla Nagar, Delhi – 110007;

b) Issue a writ of prohibition or a writ in the nature of prohibition, or any other writ, direction or order prohibiting the Respondent, its officials, employees etc. from demolishing, sealing or taking any coercive action against the premises in question;

c) pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case in favour of the petitioner."

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

"It is the submission of Mr. Ramesh Singh, learned counsel for the petitioner that petitioner has filed an Appeal before the Appellate Tribunal (MCD), which was listed for hearing on March 20, 2018, however for want of Presiding Officer, ATMCD, the appeal has been adjourned to April 20, 2018. As I have listed similar matters for hearing on April 4, 2018, I deem it appropriate to adjourn this matter to the said date. Till that date no coercive action shall be taken by the respondent against the petitioner.

Learned counsel for the petitioner states that the appeal has been filed before the ATMCD and the next date of hearing is May 11, 2018. If that be so, the parties are relegated to the ATMCD. They shall appear before the ATMCD on May 11, 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 23, 2018. The interim protection granted by this Court shall continue till May 11, 2018. The parties shall produce this order before the ATMCD for its perusal and consideration. The petition is disposed of.

Dasti.

CM No. 11991/2018 (stay)

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

V. KAMESWAR RAO, J

MAY 04, 2018/akb