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

+ **W.P.(C) 2955/2018, CM No. 11860/2018**

DHARAM PAL GROVER

..... Petitioner

Through: Mr.Anshul Grover, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Ms.Puja Kalra, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.05.2018

W.P.(C) 2955/2018

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

- A. *Quash or Set aside the demolition order No.D-762/AE(B)-III/KPZ/2018 dated 16.03.2018 passed by Sh. S.K. Chauhan, Assistant Engineer (Building), Keshav Puram Zone, Delhi and Sealing order No.D-326/EE(B)-I/KPZ dated 16.03.2018 passed by Sh. Deepak Purohit, Dy. Commissioner, North Delhi Municipal Corporation, Keshav Puram Zone, Delhi;*
- B. *Direct the respondent to provide the petitioner a reasonable opportunity to prove his case or in alternate remand back the matter to the concerned department of respondent for disposal on merits.*

OR

- C. *Any other relief which this HON'BLE Court may deem fit and proper, may be granted in favour of the petitioner,*

keeping in view overall facts and circumstances and also in the interest of justice.”

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

“From the impugned order it is noted that the authority has called upon the petitioner to demolish unauthorised construction in the shape of the entire third floor. It is contended that the petitioner is ready to get regularise the property but require some time to submit the regularisation plan. It is the case of the petitioner and also contended by Mr. Jatan Singh, learned counsel for the petitioner that the remedy for the petitioner is to approach ATMCD but as the post of the Presiding Officer in ATMCD is vacant, he had to approach this Court. As I have listed similar matters on April 04, 2018, re-notify this writ petition on the said date. It is directed that no coercive action shall be taken by the respondent against the petitioner till that date.”

Learned counsel for the petitioner concede that the petitioner has not filed the appeal before the ATMCD. If that be so, the appeal shall be filed within a period of two weeks from today before the ATMCD i.e. on or before May 18, 2018, along with the stay application, which shall be heard by the ATMCD, 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 18, 2018. The parties shall produce this order before the ATMCD for its perusal and consideration. The petition is

disposed of.

Dasti.

CM No. 11860/2018 (stay)

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

V. KAMESWAR RAO, J

MAY 04, 2018/akb