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

+ **W.P.(C) 3289/2018, CM No. 12913/2018**

VIRENDER KUMAR LUTHRA Petitioner

Through: Mr.Ayush Gupta, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Mahesh Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.05.2018

W.P.(C) 3289/2018

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

“It is, therefore, most respectfully prayed that the present Writ Petition be accepted and the Hon’ble Court is requested to issue appropriate Writ of Mandamus or any other appropriate Writ to the satisfaction of this Hon’ble Court thereby directing the respondent not to contemplate any sealing/demolition action on account of unauthorized construction in respect of property bearing No. E-16/1095-1096 and 1110, Bapa Nagar, Karol Bagh, New Delhi-110005.

Any other or further order which this Hon’ble Court may deem fit and proper under the facts and circumstance of

the case may also be passed in favour of the petitioner and against the respondent, in the interest of justice”.

When the matter was listed on April 6, 2018 this court had passed the following order:

“It is the case of the petitioner that respondent intends to demolish the property from basement till second floor even though no demolition order has been issued/served on the petitioner. He states, against the sealing as well as the demolition order, petitioner has filed appeals before the Appellate Tribunal (MCD), which could not be heard as there is no Presiding Officer in place. According to him, the next date of hearing before ATMCD is May 11, 2018.

Notice, Mr. Mahesh Gupta, Adv. accepts notice for respondent North Delhi Municipal Corporation. As I have listed similar matters on April 25, 2018, re-notify this petition on the said date.

Till the next date of hearing no coercive action shall be taken against the petitioner.

Dasti.”

Learned counsel for the petitioner states that the appeal has been filed before the ATMCD and the next date fixed 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 April 06, 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. 12913/2018 (stay)

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

V. KAMESWAR RAO, J

MAY 04, 2018/akb