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

+ **W.P.(C) 3410/2018, CM No. 13483/2018**

DURGA DEVI

..... Petitioner

Through: Mr.D.Chawdhary, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Ms.Puja Kalra, Adv. for North MCD

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.05.2018

W.P.(C) 3410/2018

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

“a) Issue a Writ of Mandamus quashing and setting aside the order dated 20.03.2018 passed by Asstt. Engineer, Building Department, NDMC, Narela Zone, Narela, Delhi.

b) Any other or further relief which this Hon’ble Court may deem fit and proper looking to the circumstances of the case may please also be passed in favour of the petitioner and against the respondents”.

When the matter was listed on April 9, 2018, this court has passed the following order:-

“This is a petition filed by the petitioner challenging the demolition order dated March 20, 2018. It is the submission of the learned counsel for the petitioner that petitioner has tried to approach the Appellate Tribunal (MCD), but as the position of the Presiding Officer ATMCD is lying vacant, the petitioner has approached this Court.

Notice, Ms. Puja Kalra, Adv. accepts notice for respondents.

As I have listed identical petitions 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.”

It appears that the petitioner has not approached the ATMCD. If that be so, the appeal shall be filed within a period of two weeks before the ATMCD i.e. on or before May 18, 2018, along with the stay application. The appeal / stay application shall be heard de-novo by the Tribunal without being influenced by the protection granted by this Court on April 09, 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. 13483/2018 (stay)

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

V. KAMESWAR RAO, J

MAY 04, 2018/akb