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

+ **W.P.(C) 3328/2018, CM Nos. 13108/2018 & 18235/2018**

SHRI VIJAY TOKAS

..... Petitioner

Through: Mr.Varun Nischal, Adv. with
Mr.Ashish Bhardwaj, Mr.Vikas
Sharma, Advs. for petitioner.
Mr.Paritosh Tomar, Adv. for the
applicant seeking impleadment in CM
18235/2018

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through: Mr.Dheeraj Malhotra, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.05.2018

CM No. 18235/2018

This is an application seeking impleadment on behalf of the applicant Ms.Pravesh Attri. Learned counsel for the applicant seeks to withdraw the application to enable the applicant file an application for intervention before the ATMCD. The application is dismissed as withdrawn.

W.P.(C) 3328/2018

The present petition has been filed by the petitioner with the

following prayers:

“a) Issue a suitable writ, order or direction thereby operation impugned demolition order no. 8926 dated 12.03.2018 passed in File No. 56/UC/BI/SZ/18 in respect of House No. 65-D, Village Munirka, New Delhi; be stayed till hearing and consideration of statutory appeal and/or in alternative the impugned order may quashed by writ of certiorari.

b) cost of the proceedings may be awarded in favour of the petitioner and against the respondents.

c) to issue such other appropriate writ order or direction which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case; and

And for this act of kindness your humble petitioner, duty bound shall every pray”.

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

“ The present petition has been filed by the petitioner challenging the demolition order dated March 12, 2018 with regard to House No.65-D, Village Munirka, New Delhi. It is his case that he has filed a statutory appeal against the demolition order before the ATMCD, but the same has not been heard as there is no Presiding Officer. Notice, Mr. Dheeraj Malhotra, Adv. accepts notice for the respondents.

As I have listed similar matters on April 25, 2018, I deem appropriate to re-notify the matter on the same date i.e. April 25, 2018.

Till April 25, 2018 no coercive action shall be taken against the petitioner.”

Learned counsel for the petitioner states that the appeal has been filed before the ATMCD and the next date fixed is May 16, 2018. If that be so, the parties are relegated to the ATMCD. They shall appear before the ATMCD on May 16, 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 protection granted by this Court shall continue till May 16, 2018. The parties shall produce this order before the ATMCD for its perusal and consideration. The petition is disposed of.

Dasti.

CM No. 13108/2018 (stay)

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

V. KAMESWAR RAO, J

MAY 04, 2018/akb