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

+ **W.P.(C) 4378/2018, CM No. 16991/2018**

M.G. BANERJEE

..... Petitioner

Through: Ms. B. Kaur Grover, Mr. Visesh
Wadhwa and Mr. A. Dua, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Nikhil Goel, Mr. Gurpreet Hora
and Mr. Ashutosh Ghade, Advs. for
SDMC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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07.05.2018

CM No. 16990/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4378/2018

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

“Having regards the aforementioned facts and circumstances it is most respectfully prayed that your Lordships may graciously be pleased to:-

- a. Issue a Writ of Mandamus or any other appropriate writ/order or direction, directing the respondent and its officials be restrained from taking coercive action on the basis of the aforesaid Demolition Order No. **76/B/UC/EE(B)-1/CNZ/18**. dated 02.04.2018 and*

further set aside the demolition order dated 02.04.2018 number 79/B/UC/EE(B)-1/CNZ/18, issued to the petitioner against his property situated at Flat No.13, Pocket-B, DDA SFS Flats, Sukhdev Vihar, New Delhi, and / or;

- b. To call for the records of the appeal filed by the petitioner before the ATMCD vide appeal No.244/ATMCD/2018 for proper adjudication of the present matter, and / or;*
- c. To grant stay of the proceedings of the Demolition Order dated 02.04.2018 vide Demolition Order No. 76/B/UC/EE(B)-1/CNZ/18 issued to the petitioner against his property situated at Flat No.13, Pocket-B, DDA SFS Flats, Sukhdev Vihar, New Delhi, till the appeal of the petitioner comes up for hearing before the Appellate Tribunal, MCD, Tis Hazari Court, New Delhi, and / or;*
- d. Pass any other or further orders as this Hon'ble High Court may deem fit to the facts and circumstances of the case."*

When the matter was listed on April 27, 2018 this Court has passed the following order:

"This petition has been filed by the petitioner challenging the demolition order dated April 2, 2018. It is the submission of the learned counsel for the petitioner that the petitioner has filed an appeal before the ATMCD, but the appeal has not been heard because of the fact that the Presiding Officer is not in place.

As I have also listed similar matters on May 7, 2018. I deem it appropriate to list this matter on the said date. Till such time no coercive action shall be taken against the petitioner pursuant to order dated April 2, 2018. Issue dasti notice to the respondent returnable for the date fixed."

Learned counsel for the petitioner states that the appeal has been filed before the ATMCD and the same is coming up for hearing on 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 27, 2018. The protection granted on April 27, 2018 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.

CM No. 16991/2018 (for stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 07, 2018/aky