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

+ **W.P.(C) 4934/2018**

SUDESH SOLANKI AND ORS. Petitioners

Through: **Mr. Rajiv Kumar Ghawana and
Mr. Anirudh Ahuja, Advs.**

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: **Mr. Tarun Diwan, Adv. with
Mr. K.R. Meena, AE.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **15.05.2018**

CM No. 19055/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4934/2018

Present petition has been filed by the petitioners with the following prayers:

“It is therefore most humbly prayed that this Hon’ble Court may be graciously be pleased to:-

- a) issue a writ, order or declaration declaring the sealing of the ground floor premises of property No.BA-10, Shalimar Bagh, West, Delhi as illegal, arbitrary, unwarranted, without authority of law and contrary to the provisions of the Delhi Municipal Corporation Act, 1957; and*
- b) issue a writ of mandamus directing the*

respondent to de-seal the property of the petitioners being ground floor of property bearing No.BA-10, Shalimar Bagh, Delhi; and

- c) pass such other or further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.*

Mr. Rajiv Kumar Ghawana, learned counsel appearing for the petitioners concede that there are proceedings which are pending before the Monitoring Committee of the Supreme Court and the next date of hearing is June 6, 2018. He states, the proceedings before the Monitoring Committee are with regard to the misuser and also of unauthorized construction. He states, on the oral observation of the Monitoring Committee, the Assistant Engineer has issued a notice under Sections 343 and 441 of the DMC Act, 1957 on April 25, 2018, received on April 28, 2018, to which petitioners have already submitted their reply on May 3, 2018.

Mr. Tarun Diwan, Adv. who appears for the respondent on advance notice on instructions from the concerned Assistant Engineer concedes to the aforesaid aspect and states, a final order shall be passed within 15 days from today.

In view of the above, Mr. Ghawana seeks to withdraw the petition.

The petition is dismissed as withdrawn.

V. KAMESWAR RAO, J

MAY 15, 2018/jg