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

+ W.P.(C) 4736/2018, CM Nos. 18215-18216/2018

VINOD KUMAR DHINGRA & ANR Petitioners

Through: Mr.A. Maitri, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr.Akhil Mittal, Adv. for R1

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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04.05.2018

CM No. 18216/2018

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4736/2018 & CM No. 18215/2018

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

“(i) To set aside/modify directing the order dated 28.02.2018 passed by the learned MCD Appellate Tribunal in Appeal No.

145/2018, titled as Alankit Assignments Ltd. Vs. NDMC as the said order is contrary to the mandate of Section 347(C) of Delhi Municipal Corporation Act, 1957 and Respondent Corporation may kindly be directed to take necessary "Sealing" action under Section 345A DMC Act against the unauthorized construction at premises No. 1E/13, Jhandewalan Extension, New Delhi in accordance with the law;

(ii) To direct the respondent/NDMC to take action on the basis of Vacation Notice No. D/AE(B)/KBZ/2018/244 dated 05.02.2018 issued under Section 349 of the DMC Act against the unauthorized, illegal construction at premises No. 1E/13, Jhandewalan Extension, New Delhi; in accordance with law

(iii) Any other relief(s) which this Hon'ble Court deems fit, just, proper and expedient under the facts and circumstances of the case be awarded to the petitioners".

Mr. Maitri, Adv. states that the order has been passed without considering the order passed by this Court in W.P.(C) 8443/2018 dated February 28, 2018, wherein this Court had also noted the contents of the status report filed by the North DMC. Appropriate would be for the petitioner to file an application for intervention in terms of the order dated February 28, 2018.

At this state, Mr. Maitri, states, such an application shall be filed

before the ATMCD, which would enable the petitioners herein to make such submissions as available to them both on facts and in law. The petition is dismissed as withdrawn.

Dasti.

V. KAMESWAR RAO, J

MAY 04, 2018/akb