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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1029/2018**

RUCHIKA SHARMA

..... Petitioner

Through: Mr. Sanjay Agnihotri, Advocate with
Mr. Syed Anis Nizami, Advocates.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Sanjay Singh, Advocate.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **05.09.2018**

CM APPL. 35615-35616/2018 (Ex.)

Exemptions allowed subject to all just exceptions.

The applications stand disposed of.

CM(M) 1029/2018

Vide the present petition, the prayer made actually only seeks an early hearing of the appeal filed by the petitioner herein, i.e. Appeal No.153/18 before the Appellate Tribunal, MCD which is listed for the date 13.11.2018.

It has been submitted on behalf of the respondent by the learned counsel present on advance notice that there is no opposition to the prayer made by the petitioner seeking an early disposal of the said appeal, i.e. Appeal No.153/18 pending before the Appellate Tribunal,

MCD. It has been submitted on behalf of the petitioner that vide proceedings dated 20.07.2018 of this Court in W.P.(C)9164/17, it had been observed to the effect that PIL that had been filed, i.e., **“VIKAS BAKSHI PRESIDENT BHRASHTACHAR VIRODHI SANGATHAN VS. GOVT. OF NCT OF DELHI & ORS.”** had targeted only one property which is stated to be the property of the petitioner herein. It has been submitted further on behalf of the petitioner placing reliance on the status report dated 26.03.2018 of the SDMC which is to the effect that the property in question on inspection by the concerned field staff of the respondent i.e. SDMC had been compared with the affidavit accompanied with the site plan filed by the appellant and on comparison with the measurement so given in the affidavit and site plan with the existing structure had been found to be correct and as per local inquiry, it has also been observed that the unauthorized construction in question is old and occupied and had been raised about 7/8 years ago.

It has been submitted on behalf of the petitioner that in terms of the National Capital Territory of Delhi Laws (Special Provisions) Second Amendment Act, 2014, demolition in relation to old constructions is not to be made till 31.12.2020.

It has been submitted on behalf of the petitioner that the petitioner is aggrieved by the matter having not been taken up expeditiously by the learned Appellate Tribunal, MCD, inasmuch as for maintenance of the property in question itself, the petitioner has to spend approximately more than a lakh rupees per month and that vide order dated 28.02.2018 in the course of the appeal, there is a restraint

against the appellant herein from creating any third party interest in property in question as a consequence of which the appellant is even unable to let out the property.

Without any observations on the merits or demerits of the appeal no.153/18 pending before the learned Appellate Tribunal, MCD, the learned Appellate Tribunal, MCD is requested to make an endeavour to dispose of the appeal no.153/18 on the date 13.11.2018 fixed before the Trial Court.

With these observations, the petition is disposed of accordingly.

Copy of this order be sent to the learned Appellate Tribunal, MCD.

ANU MALHOTRA, J

SEPTEMBER 05, 2018/NC