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

+ **W.P.(C) 10244/2016**

SUKHBIR SINGH RANDHAWA Petitioner
Through: **Mr. Pushkar Sood, Adv.**

versus

SOUTH DELHI MUNICIPAL CORPORATION OF DELHI
& ORS Respondents
Through: **Mr. Rajan Tyagi, ASC with Mr. Dev Kumar, Ex.Engineer (BI, S2) and Mr. Ravi, AE for R1.**
Mr. Mohit Aggarwal and Mr. Abhinav singh, Adv. for R2.
Ms. Rekha Aggarwal, Adv. for respondent no. 4 with respondent no.4 in person.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% 02.05.2018

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

“In view of the above facts and circumstances, it is most respectfully prayed that this Hon’ble Court may kindly be pleased to:-

- (a) *Pass a writ, order or direction, directing the Respondent No.1, MCD to take action in accordance with provisions of DMC Act to seal and further demolish the unauthorized construction raised by Respondent No.3 to 5, on the second and third floor of property bearing NO.4/26, Shanti Niketan, New Delhi – 110021 and*

file status reports before this Hon'ble Court as regards the same;

- (b) Prohibit and restrain Respondent No.3 to 5, from carrying out any sort of construction activity in the property bearing No. 4/26, Shanti Niketan, New Delhi – 110021, without sanctioning of the plans by Respondent No.1, MCD;*
- (c) Pass writ, order or direction directing to Respondent No.1 and 2 to seal the portion of the property, being used by Respondent No.3 to 5, for illegal commercial activity;*

Pass such other or further order (s) as may be deemed fit and proper in facts and circumstances of the present case and in the interest of justice.”

It is a conceded position of the parties that respondent nos. 3, 4 and 5 have challenged the order dated November 22, 2017 of the SDMC before the ATMCD vide Appeal No. 1031/2017 and the proceedings are still pending and the next date of hearing is August 28, 2018.

Mr. Pushkar Sood, learned counsel appearing for the petitioner states, petitioner is ready and willing to intervene in those proceedings pending before the ATMCD. Learned counsel for the respondents, including counsel for respondent nos. 3 to 5 on instructions from respondent no.4 have no objection on the petitioner intervening in the Appeal pending before the ATMCD.

If that be so, petitioner shall file an application for intervention before the ATMCD in the aforesaid Appeal. If such an application is filed, in view of the no objection granted by the counsel for the respondents, the same

shall be considered favourably by the Tribunal. The intervention is only to the extent of permitting the petitioner to advance oral arguments and for filing written submissions.

Mr. Sood, states, in view of the aforesaid order, the petition be disposed of. Ordered accordingly.

V. KAMESWAR RAO, J

MAY 02, 2018/jg