

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

% Date of decision: 29th October, 2018

+ LPA 615/2018, CAV 990/2018 and CM Nos. 45099-45101/2018

SOUTH DELHI MUNICIPAL CORPORATION

..... Appellant

Through: Mr. Sanjay Poddar, Sr. Adv. with
Ms. Ruchi Jain and
Mr. Govind Kumar, Advs.

versus

**FRIENDS OF RAJOURI GARDAN ENVIROMNET (REGD.) AND
ANR.**

..... Respondents

Through: Ms. Aastha Dhawan, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

V. KAMESWAR RAO, J. (ORAL)

CAV 990/2018

Since learned counsel for the caveator is present. Caveat
stands discharged.

CM Nos. 45100/2018 & 45101/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

LPA 615/2018

1. This appeal has been filed by the appellant challenging the
order dated September 24, 2018 passed by the learned Single Judge

directing the appellant herein to maintain the *status quo* in respect of the subject land.

2. Mr. Sanjay Poddar, learned Senior Counsel appearing for the appellant states by pointing out to pages 382 onwards which are photographs of the construction being made on the land in question that under such circumstances, the learned Single Judge could not have directed the appellant to maintain *status quo*. He also states, the South Delhi Municipal Corporation is within its right in terms of the Act and Bye-laws to make multi level parking on the land, even if, the same is meant for the purpose of running Municipal school.

3. As we note that the date of hearing before the learned Single Judge is December 07, 2018 and the issue which arises for consideration in the writ petition needs to be decided by the learned Single Judge, appropriate for the appellant is to file an application before the learned Single Judge for early hearing of the writ petition. Such an application shall be filed by the SDMC by serving a copy of the same on the respondents including Dr. Pramod Pal Sehgal intimating the date of hearing to them. If such an application is filed, we request the learned Single Judge to consider the same so as to hear the writ petition at an early date.

4. We take on record the submission made by the learned counsel for the parties that they shall complete the pleadings in the writ petition before the date of hearing to be fixed by the learned Single Judge.

5. The appeal is disposed of.

CM No. 45099/2018 (for stay)

Dismissed as infructuous.

Dusti under the signature of the Court Master.

V. KAMESWAR RAO, J

CHIEF JUSTICE

OCTOBER 29, 2018/aky