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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8480/2017, CM No. 34886/2017

MAHAVEER PRASAD & ANR

..... Petitioners

Through: Mr. Sameer Chandra, Adv. with Mr.
Tushar Chhabra, Adv.

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Atul Singh, Adv. with Mr. Rahul
Bakshi, Adv. for R-1, 5 & 6 with SI
Kartar Rawat, P.S. Bindapur
Ms. Jagrati Singh, Adv. for SDMC
Mr. Abhishek Kumar, Adv. for R-7

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.02.2018

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

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

a) Issue a writ/order/direction(s) in the nature of writ of MANDAMUS commanding the respondents No. 1 to 6 to stop further illegal and unauthorized constructions and to seal thereafter remove/demolish the illegal and unauthorised constructions being carried out by respondents No. 7 in property bearing No. B-40, Nand Ram Park, Uttam Nagar, New Delhi-110089;

b) Direct/order the respondent No.1 to 6 to take legal action against the respondent No.7 in accordance with law for carrying out illegal and unauthorised constructions at the property bearing No. B-40, Nand Ram Park, Uttam Nagar, New Delhi-110089 in violation of the municipal by-laws and guidelines issued by Hon’ble Court.

c) Pass any other/further order(s)/relief in favour of the

petitioners and against the respondents which may be deemed just and proper in the circumstances of the case.

d) Award cost of the petition in favour of the petitioners against the respondents.”

A status report has been filed by the SDMC, wherein in para 4, the following has been stated:-

*“4. That aggrieved by the demolition of the property in question, Shri Ranjeet Singh, owner of the property preferred an appeal against the SDMC’s demolition order dated 27.09.2017 being appeal No.971/2017 before the Learned Tribunal for MCD (“ATMCD”). The Learned Tribunal vide its order dated 22.11.2017 granted stay against the demolition order dated 27.09.2017 and restrained the SDMC to carry out any further demolition action on the property in question till the next date of hearing and the next date of hearing is 15.02.2018. The above order of Learned Tribunal is subject to if any order passed by the Hon’ble Supreme Court and Hon’ble High Court for demolition/sealing qua the property in question, then this order will not come in the way and respondent/SDMC will comply the Hon’ble Supreme Court/Hon’ble High Court order. The same is annexed herewith as **Annexure-A.**”*

In view of the stand of the SDMC, learned counsel for the petitioner states, the petitioners shall withdraw the writ petition and get themselves impleaded before the Appellate Court in the appeal filed by the respondent No.7. The petition is accordingly dismissed as withdrawn with liberty as prayed for.

CM Nos. 34886/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

FEBRUARY 06, 2018/ak