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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10071/2017, CM Nos. 41171-41172/2017**
KIMTI LAL

..... Petitioner

Through: Mr. Pardeep Kumar, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondent

Through: Mr. Rajan Sabharwal, SC for R-1
Mr. Arun K. Sharma, Adv. for R-2

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

ORDER

% **05.03.2018**

CM No. 41172/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 10071/2017 & CM No. 41171/2017

1. The present petition has been filed by the petitioner with the following prayers:-

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

a) Accept the present petition and issue a writ of mandamus or any other appropriate writ, order or direction against the respondent No.1 thereby directing the respondent No.1 to demolish/remove the entire remaining structure of the entire properties built up upto third floor bearing no. 1318-1319-

1320-1321-1322-1323/XIV and 949, Pan Mandi, Sadar Bazar, Delhi-110006;

b) issue a writ of mandamus or any other appropriate writ, order or direction against the respondent No.2 to stop all the persons, who were the occupier of the properties built up upto third floor bearing no. 1318-1319-1320-1321-1322-1323/XIV and 949, Pan Mandi, Sadar Bazar, Delhi-110006 to enter into and encroach any part of the above said properties;

c) such other or further direction/order be passed as may be necessary in the interest of justice in favour of the petitioner.”

2. Mr. Rajan Sabharwal, learned counsel appearing for the respondent No.1 has drawn my attention to order dated February 08, 2018 passed in three writ petitions being W.P.(C) Nos. 8831/2017, 8234/2017 & 11132/2017, which petitions were filed by the occupants of the building challenging the notice of the NDMC dated September 05, 2017 calling upon the petitioners therein either to demolish the building or repair the same within three days from the receipt of the said notice.

3. The said writ petitions were disposed of vide the said order, in terms of the following directions:-

“Having heard the learned counsel for the parties, in view of the submission made by the learned counsel for the petitioners, as noted above and noting the urgency in the matter, it would be appropriate that respondent / NDMC inspect the properties on or before Tuesday, i.e., February 13, 2018 (when the petitioners shall also be present) and assess the quality / structural stability of the same, and pass a speaking order within one week

thereafter. The same shall be communicated to the petitioners at the earliest.”

4. Mr. Sabharwal states, in view of the aforesaid order passed by this Court, the petitioner has to await the order to be passed by the NDMC pursuant to the aforesaid directions. He states, if the order to be passed by the NDMC is in favour of the petitioner, the grievance of the petitioner shall be met. If he has any grievance against the order to be passed by the NDMC, he would be at liberty to seek appropriate remedy in accordance with law.

5. The learned counsel for the petitioner is agreeable to the submission as made by Mr. Sabharwal and states, he wishes to withdraw the writ petition to seek appropriate remedy against the order to be passed by the NDMC in terms of the order of this Court dated February 08, 2018 in the aforesaid three writ petitions. Ordered accordingly.

V. KAMESWAR RAO, J

MARCH 05, 2018/ak