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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11599/2017

PRAMOD KUMAR AGARWAL

..... Petitioner

Through: Mr. Shantnu Tanwar, Mr. Vishal
Saxena and Mr. Rahul, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION NEW DELHI &
ORS.

..... Respondent

Through: Mr. Surender Kr. Sharma and Mr.
Vikas Kumar, Advs. for R1
Mr. Siddharth Dutta, Adv. for R2 &
R3
Mr. Ravi Gupta, Sr. Adv. with Mr.
Ankit Jain and Ms. Mallika Bhatia,
Advs. for R5
Mr. Mohit Jolly and Mr. Pranay
Agarwal, Advs. for R4
SI Rajnish PS Safdarjung Enclave.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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20.02.2018

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 be pleased to:-*

(a) *Issue a writ in the nature of Mandamus directing
respondent No.1 to take effective steps to stop forthwith
the illegal / unauthorised use of residential land for
commercial activities in C-2/10, Safderjung Development
Area, New Delhi-110016.*

- (b) *pass such other order or direction as may be deemed fit and appropriate in the facts and circumstances of the case in hand.”*

The SDMC has filed a status report where, in para 4, following has been stated:

*“4. That on being aggrieved with the said sealing proceedings / order the owner / occupier of the subject property preferred an appeal bearing No.65/2018 titled as **“Apnagar Builder Pvt. Ltd. vs. South Delhi Municipal Corporation and another.”** before the Hon’ble Appellant Tribunal / MCD and the Hon’ble Tribunal vide its order dated 30.01.2018 has been pleased to grant interim stay in respect of the property in question. The copy of the order dated as passed by the Hon’ble Tribunal / MCD is also annexed herewith as **Annexure R-1/B.**”*

Mr. Ravi Gupta, learned Senior Counsel appearing for the respondent No.5 also states, the respondent No.5 has filed an appeal before the Appellate Tribunal MCD, wherein the respondent No.4, who is a tenant of the respondent No.5 has given an undertaking that the said respondent No.4 shall be bound by the orders, if any, passed against the respondent No.5.

At this stage, learned counsel for the petitioner states, the petitioner may be allowed an intervene before the Appellate Tribunal. The said submission is not opposed by Mr. Gupta. He states, the petitioner can have a limited intervention of filing written submissions before the Appellate

Tribunal. This submission of Mr. Gupta is acceptable to Mr. Tanwar counsel for the petitioner.

In view of the above, the present petition is closed, allowing petitioner's intervention before the Appellate Tribunal, MCD to the extent of filing the written submissions. I also take on record the status report filed by the SHO Police Station Safdarjung Enclave.

V. KAMESWAR RAO, J

FEBRUARY 20, 2018*/aky*