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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5619/2019, CM No. 24635/2019**
MANOJ ARORA

..... Petitioner

Through: Mr. A.K. Singla, Sr. Adv. with Mr.
Counsel (appearance not given)

versus

NORTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Mr. Mukesh Gupta, Adv.

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

ORDER

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30.05.2019

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

“In the circumstances stated above, it is, therefore, respectfully prayed that the Hon'ble Court may be pleased to issue writ of mandamus or any other writ(s), direction or order thereby:-

(i) stay the operation of the impugned demolition order as orally informed by the respondent officials on 18.05.2019 to have been passed by them in respect of property bearing no. 2216-2222, Gali Inder Chamar, Teliwara, Sadar Bazar, Delhi-110006, till the Appellate Tribunal MCD becomes functional and hear the matter of petitioner herein;

- (ii) in alternative setting-aside/ quashment of impugned demolition order as orally informed by the respondent officials to have been passed by them in respect of property bearing no. 2216-2222, Gali Inder Chamar, Teliwara, Sadar Bazar, Delhi-110006, in disregard to clear directions of Hon'ble High Court on 13.05.2019 in W.P.(C) No. 5082/2019 & W.P. (C) No.5102/2019;*
- (iii) writ/order/direction to be issued against the respondent that no adverse action be taken against the Petitioner or his property without giving proper hearing, opportunity to file reply and documents and opportunity/time to file appeal against the demolition order passed by the respondents.*
- (iv) to pass such further order considered just fit, proper and expedient in the facts and circumstances of the case.”*

Suffice it would be to state that the present petition has been filed on the apprehension that the property in question shall be demolished. Mr. Mukesh Gupta states that the proceedings qua the demolition are still being conducted by the Assistant Engineer concerned and the next date of hearing is tomorrow i.e. May 31, 2019. The petitioner shall be at liberty to appear before the concerned Assistant Engineer.

As no demolition order has been passed as yet, the present petition, insofar as the demolition is concerned, is pre-mature. It is expected that the Assistant Engineer concerned shall pass a final order on the aspect of demolition.

In view of above, the petition being pre-mature is closed.

CM No. 24635/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 30, 2019*/aky*