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

+ W.P.(C) 5981/2019 & CM. Nos. 25856/2019 and 25857/2019

SANJAY GARG

..... Petitioner

Through: Mr. Kamlesh Kumar Mishra, Adv.
with Mr. Rohit Kalra, Mr. Ravindra
Kumar & Mr. Rahul Kumar, Advs.

versus

EAST DELHI MUNICIPAL CORPORATION

& ORS

..... Respondents

Through: Mr. Ajjay Aroraa, Adv. with
Mr. Kapil Dutta, Adv. for EDMC
Mr. Dhanesh Relan, SC for DDA
with Ms. Gauri Chaturvedi, Adv. for
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CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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27.05.2019

CM. No. 25857/2019

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5981/2019

1. This petition has been filed challenging the order dated January 08, 2019 whereby the ATMCD has decided the application filed by the petitioner herein under Order 1 Rule 10 CPC.

2. Suffice it would be to state that the ATMCD has, by referring to the judgment of this Court in *Hardayal Sinngh meta v. MCD, AIR 1990 Delhi*

170 allowed the petitioner to intervene in the appeal pending before it. The intervention is to the extent that the petitioner shall be entitled to submit documents, if any, and make oral and written submissions at the stage of final arguments.

3. It is the submission of Mr. Mishra, learned counsel for the petitioner as an order of regularisation of construction shall affect the rights of the petitioner, the Tribunal should have allowed the impleadment of the petitioner. I am not in agreement with this submission made by Mr. Mishra for the simple reason, it is the respondent Nos. 5 and 6, who have approached the ATMCD against an order of demolition passed by the EDMC. It is the said order, which would be considered and adjudicated by the ATMCD. If during adjudication, any issue of regularization is decided, surely, the petitioner shall be within his right to challenge the said order in accordance with law.

4. The other submission of Mr. Mishra is that despite an order passed by the Civil Court in an inter-se dispute between the petitioner and the respondent Nos.5 and 6, no demolition is being carried out, suffice would it be to state that the petitioner shall be within his right to highlight this aspect in his written submissions, which has been permitted by the ATMCD.

5. As the ATMCD has allowed the intervention of the petitioner in the proceedings before it, to the extent stated above, I do not see any reason to interfere with the impugned order.

6. The petition is dismissed. Liberty is with the parties to approach the ATMCD for expeditious disposal of the appeal.

CM. No. 25856/2019 (for stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 27, 2019/ak