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

+ **W.P.(C) 6771/2019**

SUNIL SARDANA

..... Petitioner

Through Mr. M.S Jadhav, Adv with petitioner
in person.

versus

THE COMMISSIONER OF SDMC & ORS.

..... Respondents

Through Mr. Kunal Vajani, Standing Counsel
with Mr. Paras Anand and Mr. Jaibir
Singh Sethi, Advocates for R-1.
Mr. Rameezuddin Raja, Adv. for Ms.
Sangeeta Bharti, Additional Standing
Counsel for the Counsel for R-3.

CORAM:

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

% **12.06.2019**

C.M. Appl. No. 28386/2019

Exemption allowed subject to just exceptions.

W.P.(C) 6771/2019 and C.M. Appl. No. 28387/2019

Issue notice.

Mr. Kunal Wajani and Mr. Rameezuddin Raja accepts notice on
behalf of respondent no. 1 and 3 respectively.

I have heard learned counsel for the petitioner as well as respondent
no. 1. The impugned vacation order is dated 31.05.2019. The crux of the

W.P.(C) 6771/2019

Page 1 of 3

said order is that the respondent no. 1 wants to execute the order of demolition dated 29.03.2019. The only concern shown by the present petitioner, who is in occupation of the front portion of the second floor of the property in question, is that SDMC has not considered the applicability of the protection given to him under the National Capital Territory of Delhi Laws (Special Provision) Act, 2007 as the portion of the construction in occupation of the present petitioner was raised much prior to the cut-off date.

Learned counsel for the respondent/SDMC denies the same. However, the petitioner shall make a representation to the SDMC by tomorrow regarding his portion only along with relevant documents showing that front portion of the second floor of respondent bearing property No.E-15, Second Floor, Kailash Colony, New Delhi - 110048 is entitled for protection under the (Special Provisions) Act. The said representation be considered by the respondent no. 1 within one week from the date of its submission and outcome thereof be intimated to the petitioner as well as learned counsel for the petitioner in writing. Thereafter, the SDMC is at liberty to take appropriate action. Till then the operation of vacation order dated 31.05.2019 is stayed in respect of portion of petitioner. As far as the said decision is to be taken by respondent no.1, it is made clear that the present order is applicable only to front portion belonging to the petitioner on the second floor of property No.E-15, Kailash Colony, New Delhi – 110048 and it does not affect the right of the SDMC to take appropriate legal action regarding remaining portion of property No. E-15, Kailash

Colony, New Delhi – 110048.

The petition is disposed off in the above terms.

The copy of this order be given dasti under the signatures of Court Master.

**TALWANT SINGH
(VACATION JUDGE)**

JUNE 12, 2019/rkc