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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7770/2019, CM Nos. 32312-32313/2019**
SMT. PUNEETA BHARDWAJ

..... Petitioner

Through: Mr. A.K. Singla, Senior Advocate
with Mr. Abhimanyu, Mr. Ashwani
and Mr. Ankit Panwar, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondent

Through: Mr. Mukesh Gupta, Advocate,
Standing Counsel for SDMC with Mr.
R.D. Chaudhary, A.E. Building
Ms. Vibha Mahajan Seth, Advocate
for R-2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.07.2019

C.M. No. 32313/2019 (For Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7770/2019

The challenge in this writ petition is to the order dated July 17, 2019 passed by the Appellate Tribunal MCD fixing the application filed by the petitioner herein for stay of the sealing on 16th September, 2019.

The grievance of the petitioner and urged by Mr. A.K. Singla, learned Senior Counsel appearing for the petitioner is that the ATMCD while fixing the application for arguments on the point of maintainability on 16th September, 2019 should have at least directed the parties to maintain *status quo*. According to him immediately thereafter the petitioner is in receipt of a

communication dated 18th July, 2019 from the Corporation calling upon the petitioner to vacate the property to enable the Corporation take demolition / sealing action at the risk / cost of the owner / occupier.

On the other hand, Mr. Mukesh Gupta, learned Standing Counsel appearing for respondent SDMC states, appropriate shall be to advance the date of hearing before the ATMCD by directing the ATMCD to dispose of the appeal filed by the petitioner.

Having heard the learned Counsel for the parties directing no coercive action shall be taken against the petitioner till 19th August, 2019, the date when the ATMCD shall hear the appeal including the issue of maintainability filed by the petitioner and decide the same in accordance with law. The petition is disposed of.

Parties shall appear before the ATMCD on 19th August, 2019.

A copy of this order be given dasti to the parties who shall place this order on the record of the ATMCD before the date of hearing.

CM No. 32312/2019 (For Directions)

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 22, 2019/nd