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

+ W.P.(C) 12718/2019

OCCUPANTS WELFARE

ASSOCIATES OF VILLAGE CHIRAG DELHI..... Petitioner

Through

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through Ms.Anju Thomas, Adv. for Mr.Sunil

Fenandes, Standing Counsel for BSES-RPL.

Ms.Sunieta Ojha, Adv. for SDMC.

Mr.Abhishek Kr.Singh, Adv. for the applicant in C

Nos. 4702-04/2020 with applicant-in-person.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **05.02.2020**

CM APPL. No. 4704/2020

Allowed, subject to all just exceptions.

CM APPL. No. 4702/2020 (seeking recall of the order dated 4.12.2019)

1. CM No. 4702/2020 is filed for recall of the order dated 04.12.2019 pleading that the applicant was a necessary party in the writ petition and had not been impleaded.

2. This court on 04.12.2019 had noted that a communication dated 23.08.2019 has been issued by respondent No. 2 SDMC addressed to respondents No. 4 BSES and respondent No. 3 DJB whereby it is stated that respondent No. 2 SDMC has taken action under Section 343/344 of the DMC Act against the unauthorised construction. The communication also requests BSES and DJB to initiate action against the said unauthorised construction as per provision of law regarding disconnection of electricity

and water connection. A communication was also sent to SHO, PS Malviya Nagar.

3. Learned counsel for the applicant states that the applicant has been residing on the ground floor of the property since 1995. He states that suddenly only the applicant has been singled out for disconnection of electricity supply.

4. The remedy for the applicant, in my opinion, is to approach the ATMCD to challenge the proceedings initiated by respondent No.2 SDMC under Section 343/344 of the DMC Act.

5. At this stage, learned counsel for the applicant seeks to withdraw this petition with liberty to approach the ATMCD with an appropriate petition.

6. Granting leave and liberty as sought, the application is dismissed as withdrawn.

7. In case proceedings are initiated by the applicant before the ATMCD, the ATMCD is requested to deal with the interim injunction application urgently and pass appropriate orders as per law. ATMCD may deal with the petition of the applicant as per law uninfluenced by any observations made by this court in the order dated 04.12.2019.

CM No.4703/2020 (seeking directions to BSES to restore the electricity connection)

In view of the above, learned counsel for the applicant seeks to withdraw this application.

The application is dismissed as withdrawn.

JAYANT NATH, J

FEBRUARY 05, 2020

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