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

+ W.P.(C) 6531/2018 & CM Nos.24950-51/2018, 149-150/2019

GOPAL BHARADWAJ

..... Petitioner

Through: Mr.Satinder & Mr.Nirmal Kumar,  
Advts.

versus

EAST DELHI MUNICIPAL CORPORATON & ORS.

..... Respondents

Through: Mr.Ravinder Kr. Yadav &  
Mr.Vinayak Sharma, Advts. for R-1  
& 2.

Mr.Kirti Uppal, Sr. Adv. with counsel  
for the respondent no.4.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

**07.01.2019**

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1. Vide the present petition, the petitioner seeks a direction to the respondent no.1 to demolish the alleged unauthorised construction being carried out by the respondent no.4 at Plot Nos.155A, 155B and 156A, Patparganj, Mayur Vihar, Phase-1, Delhi.
2. At the outset, learned senior counsel for the respondent no.4 states that being aggrieved by the coercive steps being taken by the respondent no.1 qua his property including sealing and demolition of some portions thereof, the respondent no.4 has already approached the Appellate Tribunal, MCD by way of an appeal No.477/2018

which is listed along with connected appeals filed by similarly placed persons. He further submits that vide order dated 02.11.2018, the learned Tribunal has directed the respondent no.1/MCD not to take any coercive action in respect of the respondent no.4's property and, therefore, states that the present petition is not maintainable since the Tribunal is already seized of the matter. The said stand is reiterated by learned counsel for the respondent nos.1 and 2.

3. In view of the aforesaid stand taken by the learned counsel for the respondents, learned counsel for the petitioner, on instructions from the petitioner, who is present in Court, does not press the present petition. He however, states that since according to his instructions, the respondent nos.1 and 2 have not brought out complete facts before the Tribunal, the petitioner may be permitted to intervene in the pending proceedings before the Tribunal. Learned counsel for the respondents do not oppose the aforesaid course of action.

4. Accordingly, the writ petition is dismissed as withdrawn along with the pending applications with liberty to the petitioner to seek intervention before the Tribunal only in order to bring on record any additional facts which may not have been brought to the notice of the Tribunal by the respondent nos.1 and 2.

**REKHA PALLI, J**

**JANUARY 07, 2019**

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