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

+ **W.P.(C) 4928/2017 & CM. No. 21296/2017**

MEERA NAGPAL

..... Petitioner

Through: **Mr. Prabhat Kaushik, Adv.**

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: **Mr. Ajay, Adv. for Mr. Rakesh
Mittal, Adv. for SDMC**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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10.04.2019

The challenge in this writ petition is to the vacation notice dated May 26, 2017 under Section 349 of the Delhi Municipal Corporation Act, 1957. Learned counsel appearing for the Corporation has taken an objection to the maintainability of the writ petition in view of the alternate remedy available to the petitioner. He also refers to the fact that in one W.P. (C) 4927/2017, pertaining to a property on the same land being Flat No.103, South Park Apartments, Kalkaji, New Delhi, this Court has relegated petitioner Mr. Abhishek Dutta to the ATMCD.

If that be so, there is no reason why this Court should deviate from the said order. The petitioner is accordingly relegated to the ATMCD, before

whom the petitioner shall file appeal challenging the vacation notice. There is protection granted by this Court on May 27, 2017, and the said order shall continue to operate till the petitioner files the appeal and an application for stay and also the ATMCD considers the stay application and pass appropriate orders.

It is made clear that ATMCD shall consider the stay application afresh, without being influenced by the interim protection granted by this Court on May 27, 2017.

Liberty is with the parties to take all pleas both on facts and on law before the ATMCD.

The writ petition is disposed of.

CM No. 21296/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

APRIL 10, 2019/aky