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

+ W.P.(C) No. 3745/2017

RAJENDER PAL SHARMA

..... Petitioner

Through:

versus

EAST DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr. Kirti Uppal, Sr. Adv. with
Mr. Ajay Arora (Standing counsel)
with Mr. Kapil Dutta along with
the Mr. Pradeep Kumar Kr.
Khandewal, Chief Engineer for
EDMC & Mr. Akbar Siddiqui, ASC
for EDMC.

Mr. Manoj Kumar, proxy counsel for
Mr. Ayush Gupta, Adv. for R3.

Mr. Pankaj, Adv. for R4.

+ W.P.(C) No. 9057/2017 & CM APPL. 36992/2017

PANKAJ AGGARWAL

..... Petitioner

Through: Petitioner in person.

versus

EAST DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr. Arvind Kr. Sharma, Standing
counsel with Mr. Aniteja Sharma,
Adv. for EDMC.

Ms. Sangita Rai with Mr. Pradeep
Singh Tomar, Adv. for R3.

+ W.P.(C) No. 356/2018 & CM APPL. 7225/2018

PANKAJ AGGARWAL

..... Petitioner

Through: Petitioner in person.

versus

EAST DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Mr. Arvind Kr. Sharma, Standing
counsel with Mr. Aniteja Sharma,
Adv. for EDMC.

CORAM:**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI****ORDER**

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24.01.2019

In compliance with order dated 13.12.2018, Mr. Pradeep Kumar Khandelwal, Chief Engineer, North Zone, EDMC is present in person. The Chief Engineer had been summoned since this court was *prima facie* of the view that in status report/affidavit dated 11.10.2018, certain averments were made which were vague regarding the period between 28.03.2016 and 17.09.2017; which gave this court the impression that the officers of EDMC were being evasive, to say the least. Be that as it may, in view of what I propose to do in the matter today, the personal presence of Chief Engineer is dispensed with.

The grievance of the petitioners in these three petitions arise from the allegations and counter-allegations of unauthorised construction in a block of DDA Flats bearing No. C-41/X1 (Ground Floor), C-41/Z1 (Second Floor) and C-41/Z2 (Second Floor) in Dilshad Garden, Delhi including the roof top of Flat No. C-41/Z1 and C-41/Z2.

Counsel for the parties however agree that three statutory appeals bearing Nos. 809/2017, 885/2017 and 160/2018 filed by various parties in relation to the self-same properties and the same grievances are pending before the learned Appellate Tribunal MCD, in which all other parties are also represented. In fact there are certain interim orders restraining

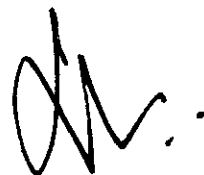
demolition in the subject premises passed by the learned ATMCD in such appeals.

The aforesaid three appeals are listed before learned ATMCD next on 26th February, 2019.

In view of the foregoing, it would be unnecessary and improper to keep these three petitions pending in this court. In fact I am informed that it by reason of pendency of petitions before this court, that the ATMCD is not proceeding further in the appeals pending before it.

Accordingly, these petitions are disposed of, giving liberty to the parties to seek their remedy before the learned ATMCD in accordance with law.

It is clarified that this court has not expressed any opinion on merits of any of the cases.



ANUP JAIRAM BHAMBHANI, J.

JANUARY 24, 2019/uj