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

+ W.P.(C) 11021/2017, CM Nos. 45065/2017 & 50825/2018

JOGINDER SINGH ROHELLA AND ORS.

..... Petitioner

Through: Mr.Pankaj Singh, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

..... Respondent

Through: Mr.Tushar Sannu, Adv. for R1-North
DMC
Ms.Tara Narula, Ms.Nidhi Nagpal,
Advs. with ASI Ramesh Chander for
R2
Mr.Vikas Chhabra ,Adv. for R3 and
R4

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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26.03.2019

W.P.(C) 11021/2017

The present petition has been filed by the petitioner with the following prayers:

“ In view of the above facts and circumstances of the case it is most respectfully prayed

a. That appropriate writ order or direction in the nature of mandamus may please be issued to the official respondents

directing them to set up/conduct an enquiry upon the complaints of the petitioners.

b. Further appropriate writ order or direction in the nature of mandamus may please be issued to the respondents directing them to demolish illegal house on property no W.Z.-78. Village Khampur, West Patel Nagar, New Delhi and remove the encroachment on side lane of the property and of the road and direct them to maintain the status prior the construction of the said property.

c. Pass any other order necessary in the facts and circumstances of the case”.

Mr. Tushar Sannu, Adv. states that a demolition order dated December 18, 2017 has been passed and the same has been challenged by the respondent Nos. 3 and 4 before the ATMCD vide Appeal No. 859/2018 and the next date of hearing there is July 15, 2019.

Learned counsel appearing for the respondent Nos. 3 and 4 concedes to the aforesaid aspect and also states that he is ready and willing to implead the petitioners herein before the ATMCD. If that be so, the present petition is disposed of, directing the parties to pursue their remedy before the ATMCD in terms of the appeal filed by the respondent Nos. 3 and 4. I take on record the submission made by the learned counsel for the respondent

Nos. 3 and 4 that he shall implead the petitioners herein before the ATMCD.

It is clarified that the status quo granted by this Court on December 4, 2018 shall continue till the respondents 3 and 4 file an application for stay for protection against the impugned demolition. If such an application is filed, the ATMCD shall consider the application and pass the appropriate order in accordance with the law, without being influenced by the interim order passed by this Court.

Petition is disposed of.

Order dasti.

CM Nos. 45065/2017 & 50825/2018

Dismissed as infructuous.

V. KAMESWAR RAO, J

MARCH 26, 2019/akb