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

+ LPA 21/2020

ANKIT NARANG

..... Appellant

Through: Ms. Richa Kapoor, Mr. Kunal Anand,
Ms. Ayushi Rajput and Ms. Shalya Agarwal,
Ms. Sukriti Bhardwaj and Ms. Shivani,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Ms. Shobhana Takiar and Ms. Sucheta
Anand, Advocates for R-1 & R-2/DDA
Mr. Manish Sharma, Advocate for R-3/EDMC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 15.01.2020

LPA 21/2020, C.M. No. 1488/2020 (for stay), C.M. No. 1491/2020 (Exemption) and C.M. No. 1489/2020 (by the appellant under Order XLI Rule 27 CPC for seeking to place additional documents) and C.M. No. 1490/2020 (by the appellants under Order XXVI Rule 9 CPC seeking appointment of a Local Commissioner)

1. The appellant/petitioner is aggrieved by an order dated 17.12.2019, passed by the learned Single Judge in a writ petition filed by him praying *inter alia* for issuing a writ of mandamus to the respondents No.1 and 2/DDA to ensure a right to access shop No.18, District Centre, Laxmi Nagar, Delhi-110092, allotted to him in a public auction, by directing removal of vehicles parked in front of the said shop that is causing a serious

obstruction to his ingress and egress.

2. The writ petition filed by the appellant/petitioner [W.P.(C) No. 12341/2019] was listed before the learned Single Judge for the first time on 22.11.2019 on which date, learned counsel for the respondent No. 1 and 2/DDA had pointed out that as the grievance of the appellant/petitioner was directed against the Municipal Corporation, he ought to have impleaded it as a party. At that stage, at the request of Ms. Kapoor, learned counsel for the appellant/petitioner, the matter was adjourned to 17.12.2019. On 17.12.2019, on an application moved by the appellant/petitioner for impleadment of EDMC as a party, EDMC was allowed to be impleaded as respondent No.3 in the writ petition and the application disposed of. Further, notice was issued to the respondent No.3/EDMC, returnable on 27.4.2020. However, no interim order was granted in favour of the appellant restraining the respondents No.1 and 2/DDA from insisting on payment as per Demand-cum-Allotment letter dated 22.10.2019.

3. Though, EDMC was served with an advance copy of the impleadment application, none had appeared on its behalf before the learned Single Judge on 17.12.2019. However, counsel for EDMC is present in court today and states that he has received a complete set of the appeal paper book including the writ petition.

4. Counter affidavit to the writ petition shall be filed by the respondents No. 1 and 2/DDA and respondent No.3/EDMC within two weeks from today with copies to learned counsel for the appellant/petitioner, who shall file rejoinders thereto within two weeks thereafter.

5. After addressing arguments for sometime, Ms. Kapoor, learned

counsel for the appellant/petitioner states that she may be permitted to withdraw the present appeal while reserving the right of the appellant/petitioner to file an application before the Ld. Single Judge for advancing the date of hearing fixed in the writ petition.

6. As and when the appellant/petitioner moves such an application, the same may be considered by the learned Single Judge, who is requested to advance the date of hearing, if possible.

7. The appeal is disposed of along with the pending applications.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 15, 2020

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