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

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Judgment delivered on: 25.01.2021

+ W.P.(C) 987/2021

MADHU CHOWDHRY & ORS.

..... Petitioners

versus

SOUTH DELHI MUNICIPAL
CORPORATION & ORS.

.....Respondents

Advocates who appeared in this case:

For the Petitioner: Ms. Anjana Gosain & Ms. Shalini Nair,
Advocates.

For the Respondent: Mr. Ajjay Aroraa, Standing Counsel.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.2673/2021(exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 987/2021 & CM APPL.2672/2021

1. The hearing was conducted through video conferencing.
2. Petitioners have filed the subject petition impugning the demolition order dated 9.11.2020 passed by the Assistant Engineer (Building) in respect of property Nos.97 and 98, Mount Kailash, East of Kailash, New Delhi.
3. It is contended by learned counsel for the petitioner that an appeal has been filed before the Appellate Tribunal, MCD. However,

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since the Appellate Tribunal, MCD is not functioning, the appeal has not been taken up for hearing and is now listed on 17.02.2021.

4. Learned counsel submits that there is a threat of demolition as the Officers of the respondent had even visited the property to carry out the demolition but because of the health condition of one of the occupants, demolition action was deferred.

5. Since the appellant has already filed an appeal before the Appellate Tribunal and the Appellate Tribunal has not taken up the appeal for hearing and the appeal is now listed for 17.02.2021, this Writ Petition is disposed of directing that till the next date of hearing before the Appellate Tribunal, no coercive action shall be taken by the Respondents against the property of the petitioners.

6. It is further clarified that the Tribunal on the next date would be at liberty to take up the appeal and pass such appropriate orders as it may deem fit in accordance with law without being influenced by anything stated in this order.

7. The Petition is disposed of in the above terms.

8. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

JANUARY 25, 2021/ak

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