

\$~19

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

%

Judgment delivered on: 04.02.2021

+ W.P.(C) 1457/2021

THE LITTLE PEARL CHARITABLE SOCIETY Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Advocates who appeared in this case:

For the Petitioner: Mr. Pankaj Mehta & Mr. R.K. Mehta, Advocates.

For the Respondent: Mr. Siddhant Nath, Advocate, Mr. Anand Prakash,
Advocates for North MCD.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.4177/2021(exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 1457/2021 & CM APPL.4178/2021(stay)

1. Petitioner impugns demolition notice dated 29.07.2019 and vacation notice dated 26.10.2020.
2. Learned counsel for the petitioner submits that petitioner has already filed an appeal before the Appellate Tribunal MCD but the same could not be taken up and is now listed on 08.03.2021.
3. Learned counsel appearing for the respondent/Corporation submits that substantial demolition action has already been taken as the building

Signature Not Verified

Digitally Signed By: HUNAL
MAGGU
Signing Date: 04.02.2021 19:55:55
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

W.P(C) 1457/2021

Page 1

was constructed contrary to sanctioned building plan. He submits that further action is contemplated qua the remaining unauthorized construction.

4. Since the Corporation has already substantially demolished the upper floors of the building and appellant has already filed an appeal before the Appellate Tribunal MCD, this petition is disposed of with a direction that till the next date before the Appellate Tribunal MCD i.e. 08.03.2021, no further coercive action shall be taken against the property of the petitioner.

5. No further construction, repairs/renovation activity shall be carried out by the petitioner till the appeal is listed before the Tribunal.

6. The petition along with pending application is disposed of in the above terms.

7. Further interim protection shall be subject to orders to be passed by the Appellate Tribunal MCD on the appeal and the stay application filed by the petitioner.

8. It is clarified that the Appellate Tribunal, MCD shall be at liberty to consider the appeal as well as the application for stay without being influenced by anything stated in this order and this would be without prejudice to the rights and contentions of the parties.

9. 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

FEBRUARY 4, 2021/ak

W.P(C) 1457/2021

Page 2

Signature Not Verified

Digitally Signed By: UNAL
MAGGU
Signing Date: 04.02.2021 19:55:55
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.