

\$~18

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

% Judgment delivered on: 04th October, 2021

+ W.P.(C) 50/2021 & CM APPLN. 196/2021

V.M. SINGH

..... Petitioner

versus

SOUTH DELHI MUNICIPAL
CORPORATION & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Rekha Aggarwal and Mr. Arjun Harkauli, Advocates
(through VC)

For the Respondents: Mr. Kunal Sharma & Mr. Subhendhu Battacharyya, Advocate
for SDMC (through VC)

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. Petitioner impugns order dated 25.11.2020 whereby the appeal filed by the petitioner against order dated 31.05.2018 passed by AT-MCD has been dismissed noticing the statement of counsel for petitioner that petitioner shall apply for regularization of unauthorized construction and no interim protection granted.

2. Learned counsel for the petitioner submits that no such statement was made as the property is protected by the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2017.

W.P.(C) 50/2021

Page 1 of 2

Signature Not Verified

Digitally Signed By: KUNAL
MAGGU
Signing Date: 05.10.2021 07:28:13
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

Digitally Signed
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 04.10.2021
20:50

3. Learned counsel further submits that appeal of the petitioner is still pending before AT-MCD and is listed for hearing on 07.01.2022.

4. This Court by order dated 05.01.2021 directed that no coercive action shall be taken against the petitioner consequent to the demolition order dated 06.10.2017.

5. Since the appeal of the petitioner is pending before AT-MCD, this petition is disposed of by directing that the interim protection granted to the petitioner by order dated 05.01.2021 shall continue to operate during the pendency of the appeal before the AT-MCD and thereafter shall be subject to the orders to be passed by AT-MCD on the appeal filed by the petitioner. It is, however, directed that in the meantime the petitioner shall also not carry out any construction activity on the subject property.

6. AT-MCD shall dispose of the appeal in accordance with law without any special equities flowing in favour of the petitioner because of this order.

7. All rights and contentions of the parties are reserved.

SANJEEV SACHDEVA, J

OCTOBER 4, 2021

‘rs’