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**Roop Kishore Dawar Vs. Mcd and ors**

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**SooperKanoon Citation** : sooperkanoon.com/909128

**Court** : Delhi

**Decided On :** Jan-17-2011

**Judge** : Rajiv Sahai Endlaw, J.

**Appeal No.** : W.P.(C) 7580/2010 & CM No.510/2011

**Appellant** : Roop Kishore Dawar

**Respondent** : Mcd and ors

**Advocate for Def.** : Mr. Mukesh Gupta; Mr. Sumit Gupta, Advs.

**Advocate for Pet/Ap.** : Mr. H.M. Singh; Mr. Kaushal Yadav; Mr. Pradeep Kumar Yadav, Advs.

**Judgement** :

1. Whether reporters of Local papers may be allowed to see the judgment? NO

2. To be referred to the reporter or not? NO

3. Whether the judgment should be reported NO in the Digest?

1. The counsel for the contesting respondents and the MCD have appeared on advance notice and finding that the writ petition itself can be disposed of, the writ petition has been taken up for consideration. The date fixed of 14th March, 2011 is cancelled.

2. The petition was filed seeking mandamus to the respondent MCD to take action with respect to the unauthorized construction in the front portion of property No.94, National Park, Lajpat Nagar-IV, New Delhi. Notice of the petition was issued and the respondent MCD and the Police Authorities directed to have the ongoing unauthorized construction stopped and to take action with respect to the unauthorized construction already carried out.

3. The respondent No.4 and one Smt. Sarojini Dadlani (who had filed application for impleadment) filed for stay of the said order. On the said application, it was directed that their remedy is before the Appellate Tribunal (MCD) and interim protection was granted. Subsequently, vide order dated 18th December, 2010 which is now sought to be vacated, the said protection was extended till 15th January, 2011.

4. The counsel for the respondent No.4 and Smt. Sarojini Dadlani states that the appeal to the Appellate Tribunal (MCD) is being filed today.

5. In the aforesaid circumstances, the writ petition is disposed of with the following directions:

(i) Unless there is any stay from the Appellate Tribunal (MCD), the respondent MCD to take action against the unauthorized construction in accordance with law;

(ii) The petitioner shall be entitled to approach the respondent MCD if finds that no action has been taken; it in spite of the petitioner so approaching, the respondent MCD does not take action, the concerned officials of the respondent MCD shall be held liable;

(iii) The respondent No.4 and Smt. Sarojini Dadlani are directed to implead the petitioner herein as a respondent in the appeal. The petitioner shall be entitled to be heard in opposition to the appeal;

(iv) Needless to state that the parties shall be governed by further orders of the Appellate Tribunal (MCD).

No order as to costs.

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