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

+ W.P.(C) 874/2016

HANSA SACHDEVA

..... Petitioner

Through : Mr. Arun Kumar Varma, Mr. Abhay
Rai Varma and Ms. Sahiti Kachroo,
Advs.

versus

THE NEW DELHI MUNICIPAL
COUNCIL (NDMC)

..... Respondent

Through : Ms. Sakshi Popli, ASC with Mr.
Jitendra Kumar Tripathi, Advs.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.02.2016

Property bearing no.D-60 (Unit B), Malcha Marg, New Delhi was booked for unauthorized construction and the demolition order dated 18th December, 2012 was passed. Petitioner preferred an appeal before the competent authority against this demolition order. The appeal has been disposed of vide the order impugned in this writ petition. On the technical point of non issuance of show cause notice, demolition order has been set aside and matter has been remanded back to the Competent Authority, that is, respondent for deciding the matter afresh. It has been further ordered that demolition order be treated as show cause notice and petitioner shall appear before the Competent Authority on 11th February, 2016 at 3:00 pm and file reply, documents and written submissions. Thereafter, Competent Authority

shall pass a speaking order after dealing with all the submissions, pleas etc. of the petitioner. Competent Authority/respondent has been directed to complete the proceedings within three months. Petitioner has been directed not to create any third party interest and raise any further construction over the property, till the matter is decided by the Competent Authority or for a period of three months, whichever is later.

During the course of hearing, parties have agreed that the respondent will issue a fresh show cause notice within one week, which will be served to the counsel's address, that is, D-114, First Floor, Defence Colony, New Delhi. Petitioner will appear through counsel before the Competent Authority/respondent on 11th February, 2016 at 3:00 pm and submit reply, documents, affidavits, written submissions etc. Thereafter, the respondent will pass appropriate speaking order within one month from 11th February, 2016. Till the matter is decided by the Competent Authority/respondent, the petitioner will maintain the status quo in respect of property in question.

Ordered accordingly.

Writ petition is disposed of.

Dasti.

A.K. PATHAK, J.

FEBRUARY 02, 2016/dk