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

+ W.P.(C) 2149/2016 & CM Nos.9203/2016 & 9204/2016

MOHD. IMRAN Petitioner

Through : Mr. Sandeep Gupta, Adv.

versus

EAST DELHI MUNICIPAL CORPORATION Respondent

Through : Mr. Kapil Dutta, Adv. with Mr.
Dinesh Puchnanda, Adv. for EDMC.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **14.03.2016**

By this writ petition under Article 226 of the Constitution of India, petitioner has challenged the vacation notice under section 349 of the DMC Act dated 4th March, 2016 served by the respondent on petitioner. Learned counsel for the petitioner submits that neither show cause notice nor demolition order was served on the petitioner. Petitioner was not given opportunity of hearing. However, a perusal of the documents annexed with the writ petition shows that show cause notice was served on the petitioner, inasmuch as petitioner had filed the reply dated 10th February, 2016. After demolition order was passed, petitioner even filed an appeal before the Appellate Tribunal, MCD. Learned counsel for the respondent has brought to the notice of this court that one Sanjay Kumar had filed a suit

against the petitioner for demolition of the unauthorized construction, which is since pending.

Be that as it may, keeping in mind that the property has already been booked and demolition order passed, I do not find any justification to stay the vacation notice.

Writ petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

MARCH 14, 2016/dk