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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4607/2016**

KOUSHILYA BAI & ORS. Petitioners
Through: Dr. Jose P Verghese and Mr. Dhruv
Jose K., Advs.
versus

MCD & ANR. Respondents
Through: Mr. G.D. Mishra, Adv. for R-1.
Mr. A. Kumar, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **18.05.2016**

By this writ petition, petitioners have prayed that respondents be restrained from demolishing the property bearing no. 65-E, Gautam Nagar, New Delhi – 110049 as petitioners are living therein, inasmuch as demolition action is without following the law.

Counsels for the respondents have appeared on service of advance copy of paper book.

During the course of hearing, it is pointed out by the counsel for the respondent no.1 that property has been built unauthorisedly and against the building bye-laws, inasmuch as, without a sanction plan. Show cause notice dated 1st April, 2016 was issued to the owner/occupier. Since no response

was received demolition order was passed on 11th April, 2016. Demolition action is being taken pursuant to the demolition order.

It may be noted that alternative remedy of appeal before the Appellate Tribunal, MCD is available to the petitioner, against the demolition order. Accordingly, I am not inclined to entertain the present writ petition.

It is noted that W.P.(C)4261/2016 was filed by the Gautam Nagar Residents Association against the South Delhi Municipal Corporation & Ors. which was disposed of vide order dated 12th May, 2016. Property bearing no. 65-E, Gautam Nagar, New Delhi, which is subject matter of this writ petition, was involved in the said petition. Respondent no.1 had pointed out in the said petition, on the instructions of Shri P.K. Jain, Executive Engineer, South Zone, that unauthorised construction in plot no. 65/E, Gautam Nagar, New Delhi was already booked and demolition order was passed. It was also pointed out that despite booking of the property and passing of the demolition order further construction was noticed at the first and second floor of the premises, accordingly, on 4th April, 2016 first and second floor were also booked and demolition order was passed on 19th April, 2016. It has been further noted in the said order that demolition in respect of the ground floor was undertaken on 26th April, 2016 and further

demolition programme scheduled for 19th and 26th May, 2016. In the said petition, SI Naveen Kumar, P.S. Hauz Khas, had assured that adequate police force would be provided to the respondent no.1 till demolition action is completed.

With the above observations, writ petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MAY 18, 2016
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