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

+ LPA 321/2016, CM Nos. 19235/2016, CM No. 19236/2016

KOUSHILYA BAI & ORS Appellants

Through: Dr. Jose P. Verghese, Advocate
alongwith Mr. Dhruv Jose and Mr.
Jawahar Singh, Advocates.

versus

MCD & ORS Respondents

Through: Mr. G.D. Mishra, Standing Counsel
alongwith Mr. Naresh Kr. Bhardwaj,
A.E. (Bldg), South Zone/SDMC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **18.05.2016**

Issue notice. Mr. G.D. Mishra, Advocate appearing on behalf of the respondents accepts notice.

The appellant is aggrieved by an order of the learned Single Judge disposing of W.P.(C) No. 4261/2016. It is contended that the learned Single Judge, on the assumption that unauthorised construction existed on plot no. 65-D, Gautam Nagar, New Delhi, directed demolition.

The learned counsel appearing for the Corporation on advance notice states that the premises were inspected and show-cause notices were issued on 18.03.2016 and 04.04.2016. Since no reply was received for the notices, the demolition order was made on

11.04.2016. Copies of those notices and orders have been produced and are hereby taken on record.

This Court is of the opinion that since the impugned order prejudicially affects the appellant who might have certain rights over the property, which have not been adjudicated upon, it would be appropriate that she prefers an appeal to the Tribunal under Section 347 (b) of the Delhi Municipal Corporation Act. In the event of her approaching the Appellate Tribunal within one week from today, the Tribunal shall decide the issue within eight weeks from today. The appellant shall not be evicted and the demolition order shall not be carried out for a period of one week. This order shall not preclude the Tribunal from varying, modifying or vacating the order after hearing counsel for the parties and having regard to the totality of the circumstances.

Order be given *dasti* under the signatures of the Court Master.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MAY 18, 2016

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