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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7440/2016 & C.M. No.30597/2016**
BHAGIRATH SHARMA

..... Petitioner
Through Mr.Javed Ahmed with Mr. Rameez
Siddiquie, Advocates.

versus

NORTH DELHI MUNICIPAL CORPN. AND ORS

..... Respondents
Through Mrs.Biji Rajesh, Mr.Gaurang Kanth
and Mr.Alifa Khan, AE.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **23.08.2016**

Petitioner is aggrieved by the demolition order dated 19.11.2014. Although in the writ petition the demolition order has been referred to as dated 03.11.2014. Record of the Department however shows that the demolition order was passed on 19.11.2014. Contention of the petitioner is that he was never served with the notice of the demolition. He has also laid challenge to the eviction notice which has been issued under Section 349 of the Delhi Municipal Corporation Act dated 10.8.2016.

Learned counsel for the respondent on advance notice has put in appearance. Her submission is that the basically premise of the writ petition is bordered on the demolition order and the demolition order is challengeable before the ATMCD and the petitioner having

alternate remedy this petition is not maintainable.

This Court is of the view that the submission of the respondent is correct and since the entire writ petition is bordered on the demolition order dated 19.11.2014 and subsequent action only being a necessary corollary to the demolition order, this court is of the view that a petition should be filed before ATMCD to challenge the demolition order dated 19.11.2014. Permission is granted to the petitioner to approach the ATMCD in accordance with law.

Till the next four weeks no steps will be taken against the petitioner.

No further orders are called for in this petition.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

AUGUST 23, 2016

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