

\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8326/2016**
NAIMUDDIN

..... Petitioner
Through Mr. Narender Singh Yadav and Mr.
Abhishek Yadav, Advocates

versus

THE STATE OF NCT DELHI AND ORS.

..... Respondent
Through Mr. G. D. Mishra, Standing Counsel
for R-3, R-4 and R-5 with Mr. Satish
AE (Bldg.) Shahdara, North Zone,
EDMC
Mr. Arun and Mr. Majid, Advocates
for R-6

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **19.09.2016**

CM No. 34513/2016 (Exemption)

Exemption allowed subject to all just exceptions.

Application disposed of.

W.P.(C) 8326/2016 and CM No. 34514/2016

Petitioner is aggrieved by the order passed by the Public Grievances Commission directing the demolition whereby the house of the petitioner has been demolished. Petitioner is stated to be resident of D/424, Gali No.8/A, Vijay Park, Maujpur Delhi.

Contention is that the impugned order passed by the Public Grievances Cell (dated 23.08.2016) qua an encroachment at C-10,

DDA Colony, Yamuna Vihar, New Delhi. Submission is that this order was passed directing the demolition of the illegal construction without giving a hearing to the petitioner; second submission is that the property of the petitioner (described as D/424, Gali No.8/A, Vijay Park, Maujpur Delhi) was not the subject matter of the demolition program before the Public Grievances Commission.

Learned counsel for the petitioner has mentioned this matter on an urgent basis on a submission that part demolition has been carried out on 17.09.2016. Further demolition has been fixed for today.

Copy of this petition has been served on East Delhi Municipal Corporation. They were aware of their action.

On advance notice counsel for respondent no.3 (East Delhi Municipal Corporation) as also respondent no.6 has put in appearance.

Submission of counsel for respondent no.3 is that C-10, DDA Colony, Yamuna Vihar, New Delhi is infact the property of the complainant. A perusal of the impugned order however nowhere records the property of the petitioner. More over the submission of the petitioner that he was not given a hearing before the Public Grievances Commission is also correct. Counsel for the respondent no. 3 additionally points out that demolition order qua this property was passed by the competent authority. Counsel for the petitioner admits that he is unaware of this order. Copy of this order has been furnished to counsel for the petitioner.

In view of the development which has been taken place, this petition is disposed of with liberty granted to the petitioner to

challenge the order dated 10.02.2016 before the competent authority which would be ATMCD in the next 3 weeks. No coercive action will be taken qua this property which will enable the petitioner to approach the ATMCD within this intervening period.

Petition disposed of.

Order dasti under signatures of Court Master.

INDERMEET KAUR, J

SEPTEMBER 19, 2016

gb