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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8578/2016**
D.S. RAO

..... Petitioner
Through Mr. Ankur Mahindro and Mr. S.
Chaudhary, Advs.

Versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents
Through Mr. Mukesh Gupta, standing counsel
for NDMC with Mr .Chaman Lal,
AE-III.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **23.09.2016**

C.M. No.35312/2016

Exemption is allowed subject to all just exceptions.

Application disposed of.

W.P.(C) 8578/2016 & C.M. No.35311/2016

The petitioner is aggrieved by the communication dated 15.09.2016 vide which a proposal has been put up by the Assistant Engineer, North Delhi Municipal Corporation wherein it has been noted that the structure of the property (plot No. 5, Block No. 56, Desh Bandhu Gupta Road, Karol Bagh, New Delhi) is very old and is in a dangerous condition. Part of the roof of the first floor has fallen down to the ground floor. The main staircase is also in dilapidated

and dangerous condition and the whole structures can collapse any time including the servant quarter. Accordingly it had been directed that the property be demolished.

Learned counsel for the petitioner points out that the building is in two portions; he is living in the annexe and the impugned order dated 15.09.2016 hardly speaks of any dangerous element in the annexe; that apart the vehement contention of the petitioner is that this order has been passed behind his back and without notice to him.

The fact that the impugned order has been passed without giving a hearing to the petitioner to put forward his case is an admitted fact. This answer has been elicited from Mr. Chaman Lal, AE-III who is present in Court today.

The impugned order is set aside. The petitioner will be given a personal hearing before the Assistant Engineer of the NDMC. The petitioner shall appear before the office of the Assistant Engineer on 28.09.2016 at 10:30 AM and thereafter a speaking order will be passed.

Needless to state that the representation of the petitioner will be considered and answered on merits.

At this stage, learned counsel for the petitioner submits that in case the order is passed against him, no coercive steps be taken against him till the next one week in order that he may take legal recourse. Accordingly, it is ordered that in case the order proposed to be passed by the respondent works out against the petitioner, no coercive steps will be taken against him for the next one week thereafter.

Let a copy of the complaint on the basis of which the impugned action has been proposed also be furnished to the petitioner.

Petition disposed of.

Order dasti under the signature of the Court Master.

INDERMEET KAUR, J

SEPTEMBER 23, 2016

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