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

+ W.P.(C) 10321/2016

SUMAN CHAWLA

..... Petitioner

Through Mr.Nazim U. Ahmed and Ms.Rajni
Yadav, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **02.11.2016**

C.M. No.40595/2016 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(C) 10321/2016 & C.M. No.40594/2016

Petitioner is aggrieved by the notice dated 07.10.2016 which had been issued under Section 348 of the Delhi Municipal Corporation Act directing him to demolish his building within a period of 6 days; the property is bearing no. F-1/107, Second Floor, Sector-11, Rohini, Delhi.

Contention of the petitioner is that he had replied to this notice which is in the nature of a representation dated 13.10.2016 and is a part of the record (page 22 of the paper book). Submission is that the representation has not yet been answered by the Department. Further submission is that the owner of the ground floor and the first floor (i.e. respondent no.3) in connivance with the MCD officials is

coercing the petitioner to demolish the property as the petitioner is not willing to sell his portion of the property to the private respondent. Further submission as disclosed in the petition is that on 20.10.2016, the personnel of respondent no.3 had visited the site and had attempted to demolish his building but with the intervention of the police this action was stopped. Additional submission is that there no option was given to the petitioner to repair or secure the building which is against the mandate of Section 348 of the DMC Act.

None has appeared for the respondent. This Court notes that there is no representation on behalf of the respondent/North Delhi Municipal Corporation although, admittedly advance copy of the petition has been furnished to the respondent. The Commissioner of North DMC will explain as to why there is inaction on the part of their lawyer as none has appeared for the Department which causes a hindrance in the dispensation of justice.

This petition is disposed of with a direction that the reply/representation of the petitioner be answered before any further action is taken.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

NOVEMBER 02, 2016

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