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

+ W.P.(C) 11231/2016

TRIPTA CHAWLA & ORS

..... Petitioners

Through Mr.Peeyush Kalra, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through Ms.Reema Khorana and Mr. Deepak,
Advocates.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **28.11.2016**

Petitioner is aggrieved by the communication dated 14.10.2016 vide which his application seeking sanction of the third floor of his property bearing No.24/70, Punjabi Bagh West, New Delhi had been declined. His submission is that such an order could not have been passed. He has placed reliance upon a judgment of this Court delivered in WP(C) 3637/2013 Kanwal Sibal Vs. New Delhi Municipal Council and Ors. which had been upheld by the Division Bench subsequently on 18.8.2015 in LPA No.543/2015 New Delhi Municipal Council Vs. Kanwl Sibal and Ors. Submission is that such a permission could not have been refused.

Learned counsel for respondent/SDMC has put in appearance. At the outset his submission is that this order is appealable under Section 347B of the DMC Act and the writ petition is not

maintainable. This Court notes this submission of the learned counsel for the respondent.

This petition is accordingly disposed of with liberty granted to the petitioner to approach the Appellate Tribunal under Section 347B of the DMC Act who shall consider the averments made before the Court in the light of the judgment cited supra as per law.

Order dasti .

INDERMEET KAUR, J

NOVEMBER 28, 2016

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