

\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11722/2016 & C.M. Nos.46136-37/2016
KUMUD MITTAL

..... Petitioner
Through Mr. Alok Kumar, Mr. Sadashiv Gupta
and Mr. Sandeep Kumar Gupta,
Advs.

versus

THE GOVT OF NCT OF DELHI AND ANR

..... Respondents
Through Mr. Rishikesh and Mohd. Irsad, Advs
for R-1.
Ms. Puja Kalra, Adv for SDMC.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **19.12.2016**

The petitioner is aggrieved by the demolition order passed by the Assistant Engineer, South Zone of the South Delhi Municipal Corporation dated 24.10.2016. Vide this order while noting the contentions of the petitioner, the Competent Authority while exercising its powers under Section 343 read with Section 491 of the DMC Act had directed to demolish the unauthorized construction existing in the aforementioned property i.e. property No. 128-B (A-128/1), Village Mohamadpur. The petitioner is aggrieved by this order. His submission is that the Competent Authority without inspection of the property and without noting the contentions of the petitioner has passed this order illegally.

On advance notice, learned counsel for the respondent/SDMC

has put in her appearance. Her first and foremost objection is that this order cannot be challenged in this Court; a demolition order is challengeable under Section 347-B of the DMC Act before the appellate body which will be the ATMCD. This submission of the respondent has force. The petitioner has other efficacious remedy. He is permitted to exercise his right before the ATMCD.

Petition disposed of.

INDERMEET KAUR, J

DECEMBER 19, 2016

A