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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12136/2016

SEEMA SEHRAWAT

..... Petitioner

Through Ms. Maninder Acharya, Sr. Adv with
Ms. Bandana Kaur Grover and Mr.
Vishesh Nanhna, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through Ms.Puja Kalra, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **22.12.2016**

C.M. No.47946/2016

Exemption is allowed subject to all just exceptions.

Application disposed of.

W.P.(C) 12136/2016 & C.M. No.47945/2016

The petitioner is aggrieved by certain actions on the part of the Municipal Corporation. The issue relates to property bearing No.152/9, Kishan Garh Village, forming part of khasra No 594-498 situated in Mehrauli district, New Delhi. This property is stated to have been built on a plot of land measuring 300 square yards up to the second floor. It is stated to be 50 year old structure; only certain repairs and renovations had been carried out in the year 2015. It is not disputed that certain portions of the property stood demolished under the orders of the Competent Authority/South Delhi Municipal Corporation which was sometime in the year 2015. Learned senior counsel for the petitioner submits that the demolition orders passed

against this property have never been conveyed to the petitioner. It is stated that the demolition program has now been fixed today i.e. 22.12.2016.

On advance notice, learned counsel for the respondent/SDMC has put in appearance. Her submission is that there are three demolition orders which have been passed qua this property i.e. order dated 27.08.2015, 18.09.2015 and 23.12.2015 and the demolition action has been taken pursuant to these demolition orders which is in accordance with law.

It is not in dispute that demolition actions qua this property have taken place and accordingly, learned senior counsel for the petitioner submits that as on date only a small portion of the ground floor remains. It is stated that great hardship and trauma has been suffered by the petitioner; this is in view of the demolition program which is being proposed and in fact to be carried out today itself.

At the outset, this Court is of the view that a demolition order is an appealable order under Section 347-B of the DMC Act and the higher hierarchy is ATMCD. This Court would not like to deal with this demolition order.

Be that as it may, noting the fact that this matter has been marked to this Court on an urgent basis (at 03:30 PM) and the demolition action having been fixed for today, this Court orders status quo of the property to be maintained for the next 10 days during which period the petitioner is advised to approach the appropriate authority for appropriate orders.

No further orders are called for on this petition. It is disposed

of.

Order dasti under the signature of the Court Master.

INDERMEET KAUR, J

DECEMBER 22, 2016

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