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

+ W.P.(C) 8832/2015 & C.M. No.19726/2015

USHA BAJAJ

..... Petitioner

Through Mr. Mukesh Kher and Mr. Priyank
Kher, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through Mr. A.S.Rastogi, Advocate for R-1
Mr. T.N.Saxena and Mr. H.
C.Kharbanda, Advocates for R-2 and
R-3

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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21.07.2016

The petitioner before this Court is the estranged daughter of Respondent No.2 and Respondent No.3 is her brother. Property in dispute is property bearing no. 2/80, Punjabi Bagh Club Road, New Delhi. Contention of the petitioner before this Court is that illegal and unauthorized construction is being permitted to be carried out by Respondent no. 1; she being a co-owner in the property has a right to approach the Court. Prayer has been made seeking directions qua Respondent no. 1 to demolish the illegal and unauthorized construction which is being permitted to be carried out in the aforenoted property.

Respondent no. 1 has filed a counter affidavit. In the counter affidavit it has been stated that the property was booked and illegal deviations and unauthorized constructions were noted in the property.

On 03.11.2015 a demolition order was passed qua the owner of the property. This Court has been informed that against the order of demolition dated 03.11.2015, an appeal has been preferred before the appropriate forum which is ATMCD i.e., the Appellate Body and under section 343 (2) of DMC Act any person aggrieved by order of demolition passed under section 343 (1) of DMC Act may prefer an appeal against the order to Appellate Tribunal. Admittedly, this appeal is now pending which has been filed by Respondents no. 2 and 3 and the next date fixed before ATMCD is 26.10.2016. Contention of Respondent no.1 is that it appears that this dispute is largely a private dispute between the petitioner and Respondent no.2.

This information has been passed on to the petitioner. The petitioner states that he will move an appropriate application seeking impleadment in these proceedings and ATMCD shall allow the petitioner who claims herself to be the co-owner (being the daughter of Respondent no.2 and her submission being that the property was originally owned by her mother and she also has a right of inheritance in the absence of any Will left by her mother) to be impleaded.

Accordingly, on the aforementioned application being filed by the petitioner, the ATMCD would implead her as a party and consider the submissions made by the petitioner as well.

No further orders are called for in this petition.

Petition disposed of.

INDERMEET KAUR, J

JULY 21, 2016

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