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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1025/2017 & C.M. Nos.4686/2017 & 4687/2017
ANITA RAJPUT & ORS Petitioners

Through Mr. Sanjeev Mahajan, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through Mr. Kapil Dutta for Mr. Ajay Aroraa,
Adv for NDMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **06.02.2017**

There are seven petitioners before this Court. The limited prayer made in the petition is that a copy of the demolition order which has been issued qua this property be served upon them; contention of the petitioners is that they had purchased this property from respondent No.4 vide sale deed falling after March-April, 2014; the demolition order dated 10.04.2014 which was the subject matter of an earlier W.P. (C) No.1638/2014 Gopal Krishan Aggarwal Vs. North Delhi Municipal Corporation & Others was not known to the petitioners; they being unaware of it, the subsequent vacation notice which has been served upon them dated 27.01.2017 would be illegal as the petitioners were not in a position to challenge the demolition order.

On advance notice, learned counsel for the respondent/North Delhi Municipal Corporation has put in appearance. His submission is that the title of the petitioners is no better than their predecessors-in-interest and admittedly predecessors-in-interest of the petitioners was respondent No.4. Respondent No.4 had challenged the

demolition order. This has been noted by the earlier Bench of this Court in its order dated 18.05.2016 while disposing of W.P.(C) No.1638/2014. It had noted that respondent No.4 had laid a challenge to the demolition order and the next date fixed before the ATMCD was 10.08.2016. For reasons best known, the appeal before the ATMCD had been withdrawn by respondent No.4; this has been informed to this Court by the parties. This Court notes that the title of the petitioners not being better than the predecessors-in-interest of the petitioners and the predecessors-in-interest of the petitioners being well aware of the demolition order dated 10.04.2014 and having laid a valid challenge to the same, the subsequent purchasers cannot now come to this Court laying a grievance that the demolition order has not been served upon them. Learned counsel for the respondent Corporation submits that petitioner No. 3 has in fact filed a suit seeking injunction against the Corporation i.e. Civil Suit No.88/2017 wherein the contention of petitioner No.3 is that the alleged illegal structure be not demolished by the Corporation. Thus the submission of the petitioners that the petitioners were unaware of the demolition order falls flat. This petition is nothing but a ploy to gain time.

Needless to state that the respondent Corporation will demolish only the unauthorized construction and nothing which is otherwise legal.

Petition disposed of.

INDERMEET KAUR, J

FEBRUARY 06, 2017

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