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

+ **W.P.(C) 8744/2016**

**ANILA MISHRA AND ORS**

..... Petitioners

Through Mr. Raghunath Menon, Advocate  
versus

**SOUTH DELHI MUNICIPAL CORPORATION NEW DELHI AND  
ANR**

..... Respondents

Through Mr. Nikhil Jain and Mr. Ashutosh  
Ghade, Advocates for SDMC  
Mr. Avtar Singh and Ms. Sakshi  
Narang, Advocates for R-2

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

% **07.03.2017**

**W.P.(C) 8744/2016 and CM NO. 35851/2016**

There are six petitioners before this Court. They are stated to be bonafide purchasers of the flats in property bearing no. 29D/2A, Ward No.1, Mehrauli, New Delhi. Out of the six petitioners four of them are stated to have registered sale deeds in their favour; others have registered power of attorneys by virtue of which they claim ownership in these flats.

Contention is that the respondent / SDMC had passed a demolition order on 26.07.2013 qua another property i.e. property bearing no. 29D/1, Ward No.1, Mehrauli, New Delhi; this property is distinct from the properties purchased by the petitioners. On 23.09.2016 the officials of the respondent without intimating anything to the petitioners came to the flats of the petitioners and threatened to demolish the said flats. They have no authority in law to deal with the properties of the petitioners which at the

cost of repetition is distinct from the property against which the demolition order has been passed.

The stand of the respondent is different. Submission of the respondent in his counter affidavit is that property bearing no. 29B/2A is not distinct from property bearing no. 29D/1, Ward No.1, Mehrauli, New Delhi; the demolition order would be applicable to the case of the petitioners.

Noting these submissions and counter submissions of the parties, this Court is of the view that since the petitioner is largely aggrieved by the sealing order the appropriate remedy would be to file an appeal under section 347B(m) of the Delhi Municipal Corporation Act, 1957 before the appellate body which would be ATMCD.

The ATMCD will return a finding of these submissions and counter submissions of the parties i.e. as to whether the property bearing no. 29D/2A, Ward No.1, Mehrauli, New Delhi and property bearing no. 29D/1, Ward No.1, Mehrauli, New Delhi are one and the same property. The submission of the petitioner that they are protected under the Government of National Capital Territory of Delhi Act, 1991 shall also be considered by the ATMCD.

Petitioner shall file his appeal before the ATMCD within a period of two weeks and in this interregnum period no coercive steps will be taken against the petitioner.

Petition disposed of in the above terms.

**INDERMEET KAUR, J**

**MARCH 07, 2017**

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