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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5197/2018, CM Nos. 20174-20176/2018**
MRS. RAJ KUMARI ADVANI AND ANR.

..... Petitioner

Through: Mr. Nikhilesh Kumar, Adv.

versus

SOUTH MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondent

Through: Mr. Rakesh Mittal, SC for SDMC
with Mr. Kamlesh Anand & Ms.
Yamini Mittal, Adv. for R-1 & 2
Ms. Mrinalini Sen, Adv. with Mr.
Sahil Goyal, Adv. for R-3

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **30.05.2018**

CM Nos. 20174 & 20176/2018

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 5197/2018

1. The present petition has been filed with the following prayers:-

"It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:

a) Issue a writ of prohibition, restraining the Respondent No.1 & 2 from taking any action pursuant to the show cause notice dated 16.3.2018 without giving an opportunity of hearing to the Petitioners and without passing a speaking

order as mandated under Section 343 of DMC Act and without following the due procedure of law;

b) Issue a writ of prohibition, order or direction, restraining the Respondents from demolishing the second and third floor of the premises situated at FC-117, Tagore Garden, New Delhi;

c) Issue a writ in the nature of mandamus directing the Respondents to comply with the statutory requirements prescribed in Section 343 and other allied provision of the DMC Act and restrain the Respondents from interfering with the peaceful possession of the Petitioners in respect of the 2nd & 3rd Floor at FC-117, Tagore Garden, New Delhi till appropriate order is passed after affording an opportunity of hearing to the Petitioners;

d) Issue a writ in the nature of mandamus directing the Respondent Nos.1 & 2 to afford an opportunity of hearing to the Petitioners before passing a demolition order under Section 343 of DMC Act;

e) Pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. Mr. Mittal, who appears for respondents 1 and 2 states that a final order of demolition has been passed on March 30, 2018. He has handed over a copy of the same to the learned counsel for the petitioners, who states that he will approach the ATMCD within 10 days from today against the same. He further states, that till such time, the petitioners approach the ATMCD, no coercive action be taken against the petitioners. Accordingly,

it is directed that no coercive action shall be taken against the petitioners till June 11, 2018, by which date, the petitioners shall file an appeal before the ATMCD. It is made clear, the ATMCD shall consider the application for interim relief, without being influenced by the protection granted by this Court.

3. Petition stands disposed of.

CM No. 20175/2018

Dismissed as infructuous.

Dasti.

V. KAMESWAR RAO, J

MAY 30, 2018/ak