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

+ W.P.(C) 3224/2019

DES RAJ SETHI

..... Petitioner

Through: Mr. Shekhar Nanavaty, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Mr. Tushar Sannu, SC with Mr.
Mohit Dagar, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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26.07.2019

The status report has been filed by the SDMC wherein in paras 2 to 7 reads as under:

2. That the issue before this Hon'ble Court is regarding unauthorized construction of one room on the terrace of Third Floor for keeping Water storage tanks at suit property bearing No. A- 42, Chander Nagar, Janakpuri, New Delhi.

3. That the said newly constructed room at terrace of Third Floor was demolished by the Respondent/SDMC as per law and before taking demolition action, a show cause notice dated 31.10.2018 was issued and served by way of pasting at site.

4. That no reply of the said show cause notice was received, therefore, a demolition notice dated 06.11.2018 was also issued and served by way of pasting at site.

5. That no reply of the said demolition notice was received, therefore, the demolition orders were passed on 19.11.2018.

6. That the petitioner in para 3 and 4 of the writ petition has stated that the old constructed room at terrace of Third Floor, which was existing at the time of purchase of the property i.e. on 06.08.2002 was completely demolished by himself and new construction was raised during July 2018. Therefore, now it is not protected under "The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act 2017.

7. That the demolition action taken on 26.11.2018 by the Respondent/SDMC is justified and within the framework of prevalent rules and regulations."

It is stated that a demolition order has been passed. Ld. Counsel appearing for the petitioner states that the demolition order has not been served on the petitioner. It is directed that the counsel for the respondent shall serve the copy of the show cause notice as well as demolition order on the counsel for petitioner within one week. The petitioner shall be at liberty to challenge the demolition order before ATMCD.

The petition disposed of.

V. KAMESWAR RAO, J

JULY 26, 2019/k