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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5694/2019, CM No. 24912/2019**
NEETU SINGHAL

..... Petitioner

Through: Mr. Sanjay Sharawat and Mr.
Divyank Rana and Mr. Ashok Kumar,
Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Ms. Ankita Sarangi, Adv. for NDMC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.05.2019

The present petition has been filed by the petitioner with the following prayers:

“It is therefore respectfully prayed that this Hon’ble Court may be pleased to:-

(a) Issue a writ of mandamus and direct the respondents to decide the application of the petitioner dated 14.05.2019 for seeking regularisation of the construction carried out by her on the terrace of second floor of property bearing No.KU-27, Pitam Pura, Delhi-110034; and

(b) Issue a writ of prohibition and restrain the Respondents from deciding / adjudicating the issue of alleged illegal construction in pursuance of notice dated 30.04.2019 issued by them U/S 343/344 of DMC Act, 1957 till the time they finally decide the application of the

petitioner for seeking regularisation of the construction carried out by her on the terrace of second floor of property bearing No.KU-27, Pitam Pura, Delhi-110034; and
(C) *Pass any other and further order(s) as may be deemed fit.”*

It is the submission of Mr. Sanjay Sharwat, learned counsel for the petitioner that a show cause notice under Section 343 of the DMC Act has been issued on April 30, 2019. Pursuant thereto the respondents have initiated the proceedings and a hearing is scheduled on May 23, 2019 i.e. tomorrow. According to him, the petitioner has filed an application for regularisation of the construction on May 14, 2019 and has paid necessary charges in that regard.

His plea is that, before the respondents finalise the proceedings pursuant to the notice dated April 30, 2019, they must decide the application for regularisation. In other words, if the application for regularisation is accepted then there is no occasion for the authorities to proceed with the notice dated April 30, 2019.

On the other hand, learned counsel for the respondents submit that the present petition is premature, inasmuch as the proceedings pursuant to notice dated April 30, 2019 have to culminate finally. Till such time there is a

demolition order no cause of action shall accrue in favour of the petitioner.

Having heard the learned counsel for the parties, I am of the view that the plea raised by Mr. Sanjay Sharawat is appealing. Appropriate for the respondents shall be to consider the application of the petitioner dated May 14, 2019 at page 35 of the paper book with regard to regularisation of the construction and pass appropriate orders before proceeding further with the proceedings pursuant to notice dated April 30, 2019.

Accordingly, the respondents shall not hold the proceedings on May 23, 2019 but shall hold the proceedings on May 27, 2019 when the petitioner shall appear before the concerned Officer and make her submissions on the application for regularisation. It is expected that the said officer shall pass an order on the regularisation application. If the application is decided against the petitioner, the officer shall proceed with the proceedings pursuant to notice dated April 30, 2019. It may also be that if the application of the petitioner for regularisation is accepted, the proceedings pursuant to notice dated April 30, 2019 shall automatically stand lapsed.

The writ petition is disposed of.

Dasti under the signature of the Court Master.

V. KAMESWAR RAO, J

MAY 22, 2019*/aky*