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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7589/2019, CM Nos. 31581-31582/2019**
SANDEEP VASWANI

..... Petitioner

Through: Mr. Aly Mirza, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Ms. Tanvi Singh, Adv. with
Mr. Kapil Dutta, Adv.

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

ORDER

% **16.07.2019**

CM No. 31582/2019

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7589/2019 & CM No. 31581/2019 (for stay)

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

In view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

a) Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the respondent South Delhi Municipal Corporation to not to take any coercive action

against the property no 449-A/1, Gali no.5, Govindpuri Kalkaji New Delhi.

b) Grant an opportunity of personal hearing to the petitioner before taking any coercive action.

c) Any other or further orders may kindly be passed as this Hon'ble' court deems fit and proper in the facts of the case.

2. Ms. Tanvi Singh, Adv. who appears for the respondent, on advance notice, states that the property was booked on two occasions; the first one was with regard to third and fourth floor with respect to whom a demolition order dated February 19, 2019 has been passed; the second one was with regard to ground floor, first floor and second floor for which notice has been issued to the owner / builder on July 08, 2019.

3. Copies of the same have been handed over to Mr. Mirza, who after perusing the same, has pointed out that the demolition order dated February 19, 2019 and show cause notice dated July 08, 2019 pertains to Property No. 449/5A, Govind Puri, Kalkaji, New Delhi and not property No. 449-A/1, which is the petitioner's property. On this, Ms. Tanvi Singh states that as per her instructions, this demolition order / notice pertains to the property of the petitioner.

4. In view of the discrepancy pointed out by Mr. Mirza and not accepted by Ms. Tanvi Singh, I deem it appropriate to direct the petitioner to appear before Mr. Lalit Sharma, Assistant Engineer, Central Zone, SDMC on 19th July, 2019 at 11 am with all the necessary documents to show that the property No.449-A/1, Gali No.5, Govind Puri, Kalkaji, New Delhi is different from property No. 449/5A, Govind Puri, Kalkaji, New Delhi. Upon such hearing, the Authority shall pass appropriate orders. If the

order(s), to be passed by the Officer, is to the prejudice of the petitioner, liberty is with the petitioner to seek appropriate remedy in accordance with law.

5. The writ petition and connected application are disposed of.

Dasti.

V. KAMESWAR RAO, J

JULY 16, 2019/ak