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

+ **W.P.(C) 8032/2019, CM Nos. 33279-33280/2019**

SHEELA VASU

..... Petitioner

Through: Mr. Shekhar Nanavaty and
Mr. Kamal, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Amit Singh Chauhan, Standing
Counsel with Mr. Athar Mustafa, AE
(Building) SDMC.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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26.07.2019

CM No. 33279/2019 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 8032/2019, CM No. 33280/2019 (for stay)

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

“In facts and circumstances stated herein above, it is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Issue a Writ of Mandamus thereby restraining the respondent from taking any detrimental action, including sealing/demolition, of the subject property without giving a personal hearing in the said matter.

(b) Issue a Writ of Mandamus thereby directing the respondent to dispose of the application for compounding/ regularization

before taking any such detrimental action.

Pass such an order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

2. It is the submission of the learned counsel for the petitioner that no sealing / demolition orders have been passed by the respondent. In fact, it is the submission that the respondent should decide the application of the petitioner for regularisation / compounding before taking such a detrimental action.
3. Learned counsel for the respondent on instructions states that demolition orders have already been passed on February 06, 2019 and March 08, 2019 and the same were pasted on the property. Learned counsel for the petitioner denies the said submission made by the learned counsel for the respondent.
4. Be that as it may, learned counsel for the respondent states that copies of the demolition orders shall be given to learned counsel for the petitioner during the course of the day. In view of this statement, learned counsel for the petitioner states that the petitioner shall seek appropriate remedy before the ATMCD within ten days provided that this Court directs the respondent not to take any coercive action till such time he approaches the ATMCD.
5. Noting the above, the copies of the demolition orders be given to learned counsel for the petitioner during the course of day. The petitioner shall approach the ATMCD within ten days from today i.e. on or before August 05, 2019. Till that time, the respondent shall not take any coercive action against petitioner. The petitioner is within her right to agitate all the points including the point that her application for compounding /

regularisation is pending consideration before the respondent.

CM No. 33280/2019 (for stay)

Dismissed as infructuous.

Dasti.

V. KAMESWAR RAO, J

JULY 26, 2019/jg